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TUSTIN_MCAS
SSIC 5000-33b

**FINAL FINDING OF SUITABILITY TO TRANSFER (FOST) # 4 FOR A
PORTION OF PARCEL 24 (PUBLIC DOCUMENT)**

09/26/2002

BECHTEL ENVIRONMENTAL, INC.

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**FINDING OF SUITABILITY TO TRANSFER
FOR A PORTION OF PARCEL 24
FORMER MARINE CORPS AIR STATION
TUSTIN, CALIFORNIA**

26 September 2002

**Response to Comments
Finding of Suitability to Transfer
Marine Corps Air Station Tustin, California**

31 October 2002 Comments on Final FOST from: Ms. Jennifer Rich, Remedial Project Manager, DTSC

	GENERAL COMMENTS	RESPONSE
1.	Please be sure to include this letter in Attachment 5 of the FOST.	The Navy recently explained to DTSC that this letter will not be attached to this due to the time lag between the FOST and DTSC's letter. However, your letter will be provided to the transferees of this property for their understanding of DTSC's position on this FOST.

31 October 2002 Comments on Final FOST from: Ms. Jennifer Rich, Remedial Project Manager, DTSC

	SPECIFIC COMMENTS	RESPONSE
1.	<u>Page i, Table of Contents</u> Section 8.6 - In order to be accurate and consistent with the heading for Section 8.6 (page 15), please change, "Covenant - Additional Remedial Action" to "Covenants - Remedial Actions".	This request has been incorporated into the document.
2.	<u>Page iv, Acronyms/Abbreviations (continued)</u> "VOC" is used once in the document on page 7, but "VOC" is not included in this acronym list. Please either include "VOC" in the acronym list, or simply spell out "VOC" on page 7 and do not use the acronym at all.	VOC has been added to the acronym list.
3.	<u>Page 4, Section 4.0 National Environmental Policy Act Compliance</u> Line 6 - This appears to be the first time "ROD" is used in the document. If so, please spell it out. "ROD" is currently spelled out on page 5.	This change has been incorporated.

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	SPECIFIC COMMENTS	RESPONSE
4.	<p><u>Pages 6 and 7, Section 7.1 Environmental Findings in Adjacent Properties Within Parcel 24</u></p> <p>Lines 1 and 2 - Currently read, "The following are the sites within the in Parcel 24 that have ongoing investigations or cleanups:". To make the sentence read properly, please delete "the in".</p> <p>Paragraph 5, Line 3 - The number of USTs was changed from 39 in the Pre-Final FOST to 13 in the Final FOST. According to the Navy's RTCs, the Navy believed the Basewide EBS to be in error when the EBS referred to UST-22A through 22M totaling 39 USTs, thus changing the number from 39 to 13. However, in looking at Table 5-5 (EBS) it appears that for each UST (A-M), there are multiple USTs associated with each. The total number of USTs equals 39. Assuming the EBS is in fact correct, please change the total number of USTs back to 39. Table 3 and Attachment 3 also require some changes as follows:</p> <p>a) Table 3, Page 1 of 3, Column 2, Row 6 - Please change "UST 22E-1,2" to "UST 22E (1-3)".</p> <p>b) Table 3, Column 3 - In order to not mislead the reader, please indicate the number of USTs in each of the descriptions for UST 22 (A through K and M). For instance, the description for UST 22A (1,2) states, "15,000-gallon, steel, fuel oil UST". It is unclear whether the two USTs had a total capacity of 15,000-gallons, or whether <i>each</i> of the USTs had a capacity of 15,000- gallons. According to the EBS, each of the two USTs associated with 22A had a capacity of 15,000 gallons. Please change to read, "(2) 15,000-gallon, steel, fuel oil USTs". UST 22 (B through K and M) should also be changed accordingly. UST 22L is unique to the others.</p>	<p>This request has been incorporated into the document</p> <p>DTSC and the EBS are correct. The number of USTs is 39 and not 13. This has been changed in the text.</p> <p>UST 22E 1,2 has been changed to UST 22 E (1-3)</p> <p>This section is consistent with the past FOSTs. Since these USTs have been closed with a "No Further Action" status, the Navy feels this detail is not necessary. If the reader wishes to obtain more information, they may go to the EBS noted in the references and in the footnotes.</p>

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	SPECIFIC COMMENTS	RESPONSE
4 (cont.)	<p>b. (cont) The description for UST 22L (1-3) states, "500-gallon, steel, gasoline UST", when in fact, there are three USTs with the following capacities: 500-gallon, 8,000-gallon, and 8,000-gallon. The description fails to mention anything about the two 8,000-gallon USTs. Please correct the description.</p> <p>c. Attachment 3, Petroleum Products Notification Table, Column 3 - Please change "UST 22E-1,2" to "UST 22E (1-3)".</p> <p>Paragraph 5, Line 7 - The Petroleum Exclusion under CERCLA is not an "Act". Please delete "Act" in "CERCLA Petroleum Exclusion Act".</p> <p>Paragraph 5, Line 10 - Please refer to Specific Comment No. 2 above.</p> <p>Paragraph 6, Last Sentence - Please delete and replace with the following sentence, "IRP-16 is currently under evaluation as part of the ongoing focused FS for OU-4." DTSC previously asked for this sentence to be deleted and replaced with a new one (in a fax sent to the Navy on 8-29-02 and again in a comment letter dated 9-24-02). The Navy's RTCs incorrectly state that the requested change was incorporated into the document.</p> <p>Paragraph 7 - The information in this paragraph was taken directly from the Draft Final Work Plan - Aboveground Storage Tank (AST) Site 194A/B and Underground Storage Tanks (UST) Site 1 and UST Site 268, Marine Corps Air Station Tustin, Tustin, California, dated August 23, 2002. Please include the reference here and in Attachment 1.</p>	<p>This request has been incorporated into the document.</p> <p>"CERCLA Petroleum Exclusion Act" was changed to "CERCLA Petroleum Exclusion Clause"</p> <p>VOC has been added to the acronym list.</p> <p>This request has been incorporated into the document.</p> <p>The appropriate reference has been incorporated into the document and included into Attachment 1.</p>

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	SPECIFIC COMMENTS	RESPONSE
5.	<p><u>Page 9, Section 8.1 Notification - Polychlorinated Biphenyls</u></p> <p>Last Paragraph, Line 1 - Please change "parcel 24" to "Parcel 24". (This comment was previously made by DTSC on the draft, draft final, and pre-final. The Navy has twice incorrectly stated in RTCs that the requested change has been incorporated into the document.</p> <p>Last Paragraph, Line 3 - Please change "concentrations of PCBs less than 27 are still present in the transfer area. As these" to "concentrations of PCBs at or less than 27 ppm are still present in the transfer area. As these". (This comment was previously made by DTSC on the draft, draft final, and pre-final. The Navy has twice incorrectly stated in RTCs that the requested change has been incorporated into the document.</p>	<p>This request has been incorporated into the document.</p> <p>The sentence will be change to read, "...concentrations of PCBs at 27 ppm are still present...."</p>
6.	<p><u>Page 11, Section 8.3 Notifications And Restrictions - Asbestos-Containing Material</u></p> <p>Paragraph 2 - In the Pre-Final FOST this paragraph included the following sentence, "Buildings that are to be demolished may be occupied on an interim basis only if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements." This sentence appears to have been inadvertently omitted from the Final FOST. Please include the sentence in the Final FOST.</p>	<p>This sentence was inadvertently omitted from the document. The sentence was added to the document.</p>

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	SPECIFIC COMMENTS	RESPONSE
7	<p><u>Page 15, Section 9.0 Finding of Suitability</u></p> <p>Line 3 - Please change "are suitable" to "is suitable". (This comment was previously made by DTSC in a fax sent to the Navy on 8-29-02 and again in a letter sent to the Navy on 9-24-02.) The Navy's RTCs incorrectly state that the requested change was incorporated into the document.</p>	<p>This comment will not be incorporated and apologize for confusion in the earlier version of this FOST.</p>
8.	<p><u>Table 1, Buildings Within Transfer Portion of Parcel 24</u></p> <p>Building 3005T - The proposed disposition is listed as "Reuse", however, the rest of the document lists the proposed disposition as "demolition" or "TBD". Please make the necessary correction(s). (This comment was previously made by DTSC in letters dated 8-22-02 and 9-24-02. This comment has not been addressed by the Navy in any of their RTCs.)</p>	<p>The disposition of building 3005T has been changed from reuse to demolition.</p>
9.	<p><u>Table 3, Former UST/ AST Sites Within Transfer Portion of Parcel 24</u></p> <p>Please refer to Specific Comment No. 4 (a and b) above.</p> <p>Note c - If the Navy's intent is to refer the reader to the Department of Defense Environmental Condition of Property Area Types Table, then "(Table 7)" should be changed to "(Table 4)". Please make the appropriate change. (DTSC questioned the Navy about this in a letter dated 9-24-02, but based on the Navy's response, the question was misunderstood.)</p>	<p>See response for Specific Comment No. 4 (a and b) above.</p> <p>Table 7 has been changed to Table 4.</p>

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	SPECIFIC COMMENTS	RESPONSE
10.	<p><u>Table 7, Summary of ACM Survey Results in Buildings Within Transfer Portion of Parcel 24</u></p> <p>DTSC requested in a letter to the Navy dated 8-22-02 that the Final FOST (text and tables) include the information from the resurvey that was to be conducted in August 2002. In DTSC's comment letter to the Navy dated 9-24-02 (on the Pre-Final) we stated that the resurvey information was included in text but not the table and asked for the information to be included in Table 7. The new information is now included in Table 7, but the old information was deleted. In column 6 (Survey Report Date), please show "1991, 2002". In column 7 (ACM Found?), please show "Yes, No". In column 9 (Type Condition), please include the old information "Non-friable ACM (1991)" and underneath the new information "No FAD ACM (2002)". Note 1 also needs to include the Brown and Caldwell reference for the 2002 survey. Please make the corrections.</p>	<p>The Navy does not find it necessary to incorporate the old ACM data on Building 247 since No ACM was found during the 2002 survey.</p> <p>The appropriate reference has been included.</p>
11.	<p><u>Attachment 3, Petroleum Products Notification Table</u></p> <p>Please refer to Specific Comment No. 4 (c) above.</p> <p>Please delete Column 1, Carve Out Area. (Comment previously made by DTSC in a letter to the Navy on 9-24-02.) Navy stated in its RTCs that the carve-out area column was deleted. It was deleted from the Hazardous Substances Notification Table, but not the Petroleum Products Notification Table. Please make the correction.</p>	<p>See response to Specific Comment No. 4 (c)</p> <p>The CO area column has been deleted.</p>

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	SPECIFIC COMMENTS	RESPONSE
12.	<p><u>Attachment 5, Comments/Response to Comments</u></p> <p><i>Navy's response to DTSC General Comment No. 1</i> - The statement that the pre-final was given as a courtesy to the BCT for review is not entirely accurate. The pre-final was issued, in part, because there were numerous problems with the draft final and the BCT was still trying to resolve some outstanding issues. Issuing the pre-final was an attempt to resolve those issues prior to finalizing the document.</p> <p><i>Last sentence of Navy's response to DTSC General Comment No. 1</i> - DTSC is unclear about the statement that, "In future documents, any revised text will be avoided after the draft-final version has been reviewed." Please explain.</p> <p><i>Navy's response to DTSC Specific Comment No. 6 (Paragraph 4, Last Sentence)</i> - DTSC has no problem with the sentence that was added, but is unclear concerning the Navy's rationale for doing so.</p> <p><i>Navy's response to DTSC Specific Comment No. 6 (Paragraph 5, Sentence 2)</i> - The first part of Navy's response is inaccurate. While the sentence was not changed specifically as requested, the sentence was changed to read, "IRP-16 originally consisted of three subsections: IRP-16A, 16B and 16C." Also, with regard to the "CERCLA Petroleum Exclusion Act," please refer to Specific Comment No. 4 on page 2 of this enclosure.</p> <p><i>Navy's response to DTSC Specific Comment No. 6 (Paragraph 5, Sentences 3, 4 and 5)</i> - Please refer to Specific Comment No. 4 on pages 1 and 2 of this enclosure.</p> <p><i>Navy's response to DTSC Specific Comment No. 6 (Paragraph 6, Line 4)</i> - DTSC was not asking for the information to be included in the FOST, we were simply asking for an explanation.</p>	<p>Comment noted.</p> <p>The Navy will avoid substantial changes to draft-final documents after their issuance unless they result from a regulatory comment.</p> <p>The Navy added the last sentence since future groundwater sampling will be taken at IRP-13W. If the samples result in ND, NFA will be requested for the site. If contamination is detected, then remedial alternatives will be discussed. However, until the GW samples are taken, the FS will be discussing remedial alternatives.</p> <p>The response states that the sentence was not added due to the lack of information regarding acreages. The original request was to add the sentence, "IRP-16 originally consisted of three subsections: IRP-16A, 16B and 16C, which encompassed (please fill in number) acres."</p> <p>See response to Specific Comment #4.</p> <p>See response to Specific Comment #4.</p> <p>See response to Specific Comment #6 for explanation.</p>

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	SPECIFIC COMMENTS	RESPONSE
12. (cont.)	<p><i>Navy's response to DTSC Specific Comment No. 6 (Paragraph 6, Last Sentence) - The Navy incorrectly states that the requested change has been incorporated into the document. Please refer to Specific Comment No. 4 on page to of this enclosure.</i></p> <p><i>Navy's response to DTSC Specific Comment No. 7 (Bullet Item 4) -The response should also state that the AOCs were deleted from the bullet item.</i></p> <p><i>Navy's response to DTSC Specific Comment No. 10 - As part of this comment, DTSC had requested that the second set of quotation marks in the paragraph be deleted. The Navy incorrectly responded that the requested change had been incorporated into the document. Please incorporate the change.</i></p> <p><i>Navy's response to DTSC Specific Comment No. 11 - There are two words that are incorrect in the first two lines of the Navy's response. Please change "sentence" to "line" and change "is suitable" to "are suitable". Also, please refer to Specific Comment No.7 on page 3 of this enclosure.</i></p> <p><i>Navy's response to DTSC Specific Comment No.12 - In reviewing the second part of the Navy's response, it is clear that DTSC's original comment was misunderstood. Please refer to Specific Comment No. 9 on page 3 of this enclosure.</i></p> <p><i>Navy's response to DTSC Specific Comment No. 15 - Please refer to Specific Comment No. 11 on page 4 of this enclosure.</i></p> <p><i>Navy's response to DTSC Specific Comment No. 16 (Response to Specific Comment #2) - Please refer to Specific Comment No. 5 on pages 2 and 3 of this enclosure.</i></p>	<p>The Navy apologizes for incorrectly stating this incorporation. The text was changed when the RTCs were written, however was changed back to the original after a discussion of IRP-16 possibly not being in the FS. However the sentence will be incorporated since IRP-16 has been determined to be included in the OU-4 FS.</p> <p>The response states, "The following sentence was added to the fourth paragraph of section 7.1, "The IRP-13W site contains AOCs: MAE-04, ST-14A/B/C, ST-15, and TOW-X7. MAE-04, ST-14 (A-C), ST-15 and TOW-X7 were demolished and removed as part of the removal action." Also, MAE-04, TOW-X7, ST-15 and ST-14A/B/C were removed from the fourth bullet in Section 7.2."</p> <p>This change will not be incorporated. Although the quotation marks can be looked upon as being unnecessary, it is a direct language from CERCLA.</p> <p>The word "sentence" will not be changed to "line" in the RTC. Comment noted, but these changes cannot be made to the FOST at this time.</p> <p>See response to Specific Comment #9 of this enclosure.</p> <p>See response to Specific Comment #11 of this enclosure.</p> <p>See response to Specific Comment #5 of this enclosure.</p>

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	SPECIFIC COMMENTS	RESPONSE
12. (cont.)	<p><i>Navy's response to DTSC Specific Comment No. 16 (Response to Specific Comment #7) - Please refer to Specific Comment No. 10 on page 4 of this enclosure.</i></p> <p><i>Navy's response to DTSC Specific Comment No. 16 (Response to Specific Comment #12) - Please refer to Specific Comment No. 8 on page 3 of this enclosure.</i></p> <p><i>Navy's response to DTSC Specific Comment No. 16 (Response to Specific Comment #23) - Please refer to Specific Comment No. 11 on page 4 of this enclosure.</i></p> <p><i>Navy's response to DTSC Specific Comment No. 16 (Response to Specific Comment #24) - The requested changes regarding comments submitted by DTSC have still not been corrected for General Comment # 3 and Specific Comment # 5, 6 and 12. Please make the corrections.</i></p> <p><i>DTSC Specific Comment No. 18 - In DTSC's letter to the Navy dated 9-24-02 there was an additional bullet item listed as follows: "Some additional unresolved comments may come out of this comment letter dated September 24, 2002 (e.g., the second part of Specific Comment #2; the first part of Specific Comment #10, and the third part of Specific Comment #11). DTSC and the Navy will need to have a discussion once the Navy has completed their responses to DTSC's latest comments." The Navy inadvertently left this bullet item off when reproducing these RTCs. Please include the bullet item and provide a response.</i></p>	<p>See response to Specific Comment #10 of this enclosure</p> <p>See response to Specific Comment #8 of this enclosure.</p> <p>See response to Specific Comment # 11 of this enclosure.</p> <p>The Navy has previously corrected GC #3, please see the response to comment 3 from the 22 July 2002.</p> <p>Specific Comment # 5, 6 and 12 - Specific Comment #24 comments on the typographical errors in DTSC's comments. All of the specific comments are identical to the comments that were sent to the Navy. No changes were made per this comment.</p> <p>The Navy inadvertently left this bullet out. This bullet will be incorporated. The Navy understands that unresolved comments may come out of this comment letter. Attachment 6 - Unresolved Comments, contain these discussions between DTSC and the Navy.</p>

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	SPECIFIC COMMENTS	RESPONSE
13.	<p><u>Attachment 6, Unresolved Comments</u></p> <p>Specific Comment No.2, Paragraph 3 - Please include the following sentence at the end of the paragraph: "In addition, DTSC cannot concur categorically that the DON has no future CERCLA liability to evaluate or remediate LBP releases into the soil should such contamination be found."</p> <p>Specific Comment No. 3, Line 5 - Please change "Because of the RWQCB uses" to "Because the RWQCB uses".</p> <p>The column headings should be changed as follows: "Specific Comments" to "California Department of Toxic Substances Control (DTSC)" and "Response" to "United States Department of the Navy (DON)".</p>	<p>This sentence has been added to the Unresolved Comments.</p> <p>This correction has been incorporated.</p> <p>The column headings have been changed as requested.</p>

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- 1 Former Marine Corps Air Station Tustin Vicinity Map
- 2 Transfer Property Location Map
- 3 Buildings, Former AOCs, and UST/AST Sites Within a Portion of Parcel 24
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- 5 Decision Tree for Asbestos-Containing Material Surveys

ATTACHMENTS

- 1 References
- 2 No Further Action Regulatory Concurrence Letters For AOCs, USTs, and ASTs Within Transfer Portion of Parcel 24
- 3 Hazardous Substances and Petroleum Products Notification Tables
- 4 DoD Policies on Asbestos, Lead-Based Paint, and Radon at Base Realignment and Closure Properties
- 5 Comments/Response to Comments
- 6 Unresolved Comments

ACRONYMS/ABBREVIATIONS

ACM	asbestos-containing material
AHERA	Asbestos Hazard Emergency Response Act
AOC	area of concern
AST	aboveground storage tank
BCT	BRAC Cleanup Team
BRAC	base realignment and closure
Cal-EPA	California Environmental Protection Agency
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQA	California Environmental Quality Act
CO	carve out
DoD	(United States) Department of Defense
DON	(United States) Department of the Navy
DTSC	(Cal-EPA) Department of Toxic Substances Control
EBS	environmental baseline survey
EIR	environmental impact report
EIS	environmental impact statement
FAD	friable, accessible, or damaged
FFSRA	Federal Facility Site Remediation Agreement
FOSL	finding of suitability to lease
FOST	finding of suitability to transfer
FS	feasibility study
IRP	Installation Restoration Program
LBP	lead-based paint
LIFOC	lease in furtherance of conveyance
MCAS	Marine Corps Air Station
MCL	maximum contaminant level
NEPA	National Environmental Policy Act
NFA	no further action

ACRONYMS/ABBREVIATIONS (continued)

OPS	Operating Properly and Successfully
OU	operable unit
PAH	polynuclear aromatic hydrocarbons
PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
ppm	parts per million
RAP	remedial action plan
RCRA	Resource Conservation and Recovery Act
RI	remedial investigation
ROD	record of decision
RWQCB	Regional Water Quality Control Board
TBD	to be determined
TCE	trichloroethene
1,2,3-TCP	1,2,3 - trichloropropane
U.S. EPA	United States Environmental Protection Agency
UST	underground storage tank
VOC	volatile organic compound

Finding of Suitability to Transfer for a Portion of Parcel 24 Former Marine Corps Air Station Tustin, California

1.0 PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the conclusion that real property at the former Marine Corps Air Station (MCAS) Tustin, made available through the base realignment and closure (BRAC) process is environmentally suitable to transfer by deed per provisions of Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

This FOST is for a portion of the City of Tustin Reuse Plan Parcel 24 at the former MCAS Tustin that was found suitable to lease under the Finding of Suitability to Lease (FOSL) For Carve-Out (CO) Areas 5, 6, 7, 8, 9, 10, and 11, dated April 26, 2002 (herein called "FOSL 3"). FOSL 3 was prepared to support a Lease in Furtherance of Conveyance (LIFOC) for these CO areas. This FOST is for a portion of Parcel 24 that lies within the boundary Carve-Out Area 5 (CO-5) (Figure 2). The Department of the Navy (DON) further evaluated this property and determined that the portion of Parcel 24 considered in this FOST can be made available for transfer. Therefore, DON prepared this FOST for that purpose. This FOST supercedes FOSL 3 for the portion of Parcel 24 that is the subject of this FOST.

Approximately 16 acres of Parcel 24 are described in this FOST and are found suitable for transfer. Approximately 9 acres of Parcel 24 will continue to be withheld from conveyance at this time due to ongoing investigation or cleanup of impacted soil and groundwater. See Figures 2 and 4. Please refer to Section 7.0 of this FOST for further information about the portion of Parcel 24 that will continue to be withheld from conveyance at this time.

This FOST, including tables and figures, is based on the final Basewide Environmental Baseline Survey (EBS) Report for MCAS Tustin (BNI 2001) and other referenced documents listed in Attachment 1, References. Parcel designations herein match those presented in the EBS Report and are consistent with those presented in the final MCAS Tustin Specific Plan/Reuse Plan Errata (Reuse Plan). The Reuse Plan designates the future use of Parcel 24 as Residential (City of Tustin, 1998). All environmental factors on the portion of Parcel 24 of this FOST have been found suitable for residential reuse.

This FOST was prepared in accordance with United States Department of Defense (DoD) guidance documents, including DoD Guidance on the Environmental Review Process to Reach a Finding of Suitability to Transfer for

Property Where Release or Disposal Has Occurred (DoD 1994a). The former MCAS Tustin environmental documents are available in the information repository located within the government document section of the main library of the University of California at Irvine.

2.0 PROPERTY DESCRIPTION

The former MCAS Tustin is located in Southern California near the center of Orange County (Figure 1). The installation is located in a residential and light industrial/manufacturing area approximately 40 miles south of downtown Los Angeles and approximately 100 miles north of the California-Mexico border. It originally encompassed approximately 1,600 acres of land. Most of the base is located within the City of Tustin; although approximately 95 acres in the southern portion of the base are within the City of Irvine. The portion of Parcel 24 considered in this FOST is located in the City of Tustin. The Cities of Tustin, Irvine, and Santa Ana border the base.

MCAS Tustin was commissioned in 1942 as a DON lighter-than-air base. The installation was used to support observation blimps and personnel conducting antisubmarine patrols off the coast of Southern California during World War II. In 1949, the base was officially decommissioned as an active facility because of the diminished need for blimp patrols. However, in 1951 the base was reactivated to support helicopter operations for the Korean War and was renamed "MCAS (Helicopter) Santa Ana." In 1978, the installation name was changed to "MCAS (H) Tustin" to reflect its annexation by the City of Tustin. In 1986, the installation was renamed "MCAS Tustin."

MCAS Tustin was operationally closed on July 2, 1999 in accordance with the Defense Base Closure and Realignment Act of 1990. Approximately 1152 acres of the former base was transferred to the City of Tustin in May 2002. For the portions of the former MCAS Tustin remaining with the DON, the primary activities are maintenance and environmental cleanup.

2.1 PARCEL 24 (PORTION)

Parcel 24 in its entirety consists of approximately 50 acres and is located in the northern portion of the former MCAS Tustin. Parcel 24 is bordered by Parcel 23 to the north and by portions of Parcel 40 to the east, south, and west. The boundaries of the transfer portion of Parcel 24 considered in this FOST, encompassing approximately 16 acres, are depicted on Figure 2.

Buildings 17 (portion), 17T, 41, 53, 66, 89, 228, 247 and 3005T are located in the transfer portion of Parcel 24 considered in this FOST. Information on each of these buildings is further detailed in Table 1.

Locations of former areas of concern (AOCs) within the proposed FOST area are shown on Figure 3. Descriptions and the regulatory status of the former AOCs are presented in Table 2. Former AOCs are areas investigated for possible contamination due to storage, disposal, or release of hazardous substances or petroleum products. Former AOCs (all No Further Action (NFA)) AMS-06, MDA-06, MDA-10, MWA-17, and ST-21E are located in the transfer portion of Parcel 24. Some of the former AOCs mentioned make up the former IRP-13E site, which is discussed in more detail in Section 6.0.

Locations of underground storage tanks (USTs) and aboveground storage tanks (ASTs) formerly located on the portion of Parcel 24 considered in this FOST are shown on Figure 3. Descriptions and the regulatory status of former AST/UST sites are presented in Table 3. UST (NFA) Sites 22 A-M, 66, 89, and AST (NFA) Sites 169, 170 are located in the transfer portion of Parcel 24 proposed in this FOST.

3.0 REGULATORY COORDINATION

The environmental restoration and compliance programs at the former MCAS Tustin have been derived from and are being implemented pursuant to the following regulatory mechanisms:

- CERCLA, as amended by the Superfund Amendments and Reauthorization Act and the Community Environmental Response Facilitation Act
- Resource Conservation and Recovery Act (RCRA)
- National Environmental Policy Act (NEPA)
- California Environmental Quality Act (CEQA)
- Petroleum Corrective Action Program
- California Health and Safety Code

The former MCAS Tustin is not a Superfund site and is not listed on the National Priorities List. A Federal Facility Site Remediation Agreement (FFSRA) between DON and the California Environmental Protection Agency (Cal-EPA) Department of Toxic Substances Control (DTSC) was signed for the former MCAS Tustin on 18 August 1999. The FFSRA defines DON's corrective action and response action obligations under RCRA and CERCLA.

Since 1993, the BRAC Cleanup Team (BCT) has coordinated cleanup and closure activities at the former MCAS Tustin. The BCT consists of representatives from DON, the United States Environmental Protection Agency (U.S. EPA), the Santa Ana Regional Water Quality Control Board (RWQCB), and DTSC. These

agencies reviewed and commented on the required documents included in Attachment 1.

DON is the lead federal agency regarding environmental restoration at the former MCAS Tustin. DTSC is the lead regulatory agency providing oversight with assistance from U.S. EPA and RWQCB.

4.0 NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE

Potential environmental impacts pertaining to the disposal and reuse of MCAS Tustin were addressed in the final Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) (DON 1999) and were disclosed to agencies and the public for comment and review in compliance with the requirements of NEPA and CEQA. The EIS/EIR was prepared through the joint effort of DON (EIS) and the City of Tustin (EIR). DON prepared a NEPA Record of Decision (ROD) to document the selected proposed alternative for reuse of each of the parcels discussed in the EIS/EIR. The NEPA ROD was published on 02 March 2001 (DON 2001b).

5.0 ENVIRONMENTAL BASELINE SURVEY HISTORY

Two EBS Reports have been prepared for the former MCAS Tustin describing environmental investigation and closure activities at the base to support reuse. In April 1997, a site-specific EBS Report was issued for Parcels 6, 8B, 8C, 11A, 33, 38, 39, 41A, and 41B (BNI 1997a). This EBS Report described the environmental condition of the parcels and associated rights-of-way scheduled for transfer with respect to the presence of hazardous substances and petroleum products. Since this report was issued, some of the parcel numbers have been changed.

In 2001 a final Basewide EBS Report was prepared for the former MCAS Tustin describing environmental investigation and closure activities at the base to support reuse (BNI 2001). The Basewide EBS Report summarizes environmental conditions at the facility and includes information concerning installation restoration programs (IRP) sites, AOCs, USTs, and ASTs. Information concerning asbestos-containing material (ACM), polychlorinated biphenyls (PCBs), and lead-based paint (LBP) surveys conducted at the facility is also included in the Basewide EBS Report.

The BRAC Cleanup Plan Guidebook (DoD 1996) provides the BCT with direction to classify base property into one of seven Area Types in order to facilitate and support reuse and transfer. Descriptions of the seven Area Types are provided in Table 4. The Area Types are ranked in order of their suitability for transfer. Area Types 1 through 4 are considered suitable for transfer by deed. Area Types 5 and 6 are considered unsuitable for transfer by deed until all remedial actions

have been completed or after the remedy has been demonstrated to be operating properly and successfully (OPS). Areas classified as Area Type 7 either have not been evaluated or require further evaluation in order to classify them into one of the other Area Types.

6.0 ENVIRONMENTAL FINDINGS

Former AOCs and former UST/AST sites have been identified within the portion of Parcel 24 considered in this FOST. Figure 3 shows the location of the former AOCs and former UST/AST sites within the portion of Parcel 24 considered in this FOST. Description and site status information for each former AOC and former UST/AST site are provided in Tables 2 and 3, respectively.

All of the former AOCs have been assigned Area Types 1 through 4 (Table 2). All of the former UST/AST sites have been assigned Area Type 2 or 3 (Table 3). All of the former AOCs and former USTs/ASTs have received NFA status by the appropriate regulatory agencies. Signature pages from the concurring regulatory agencies for all of the former AOCs and former UST/AST sites are included in Attachment 2.

One former IRP site (IRP-13E) is located on the transfer portion of Parcel 24 of this FOST. IRP-13E was one of three parts known as the Drum Storage Area No. 3. Petroleum hydrocarbons, selected metals and polynuclear aromatic hydrocarbons (PAH) were found in the soil. No chemicals of concern were found in the groundwater. The risks posed by chemicals identified in soil at IRP-13E were determined to be within allowable risk ranges and received NFA concurrence. The site was closed as part of the final OU-2 NFA record of decision/remedial action plan (ROD/RAP) signed in September 2000 (BNI 2000a).

IRP sites, AOCs and UST Sites located on adjacent properties were also evaluated in conjunction with this FOST. Based on this evaluation, it was concluded that contamination from adjacent properties (e.g., groundwater plumes) does not affect the transfer portion of Parcel 24 considered in this FOST. Summary information regarding environmental findings from adjacent properties is included in Section 7.0 of this FOST.

Environmental factors considered for the portion of Parcel 24 considered in this FOST are listed in Table 5. Only those factors that require notification or restriction are discussed in this document.

7.0 ENVIRONMENTAL FINDINGS IN ADJACENT PROPERTIES

This section provides a summary of the environmental findings within the adjacent properties surrounding the transfer portion of Parcel 24 that is the subject of this FOST. The environmental findings from the adjacent properties are associated with IRP, AOC and UST sites. These sites are not included within the portion of Parcel 24 that is the subject of this FOST. These sites include the appropriate buffer zones where restrictions will be imposed to protect human health and the environment while investigations and cleanups are ongoing. These areas are expected to be leased under a LIFO until investigations and cleanups are completed. FOST 3 supports any future leases of these adjacent properties, which are in CO-5.

7.1 Environmental Findings in Adjacent Properties Within Parcel 24

The following are the sites within Parcel 24 that have ongoing investigations or cleanups:

- IRP-13S
- IRP-13W
- IRP-16
- UST-268 and USTs-18A/B

Summary information is provided below for the IRP and UST sites mentioned above. FOST 3 also provides further information about the sites mentioned above and establishes restrictions that will be imposed on leases to allow use of the property without impeding the cleanup and to protect human health and the environment while remaining investigations and cleanups are being completed (DON 2002).

IRP-13S, which is approximately 3.3 acres of Parcel 24, is one of three parts of Drum Storage Area No. 3 located on the northern portion of Parcel 40 and the most western portion of Parcel 24 (Figure 4). This site is part of the study area designated as operable unit (OU)-1A. IRP-13S includes two AOCs (MWA-18 and ST-72B), an inactive wash area formerly used for cleaning small generators, and an inactive vehicle maintenance facility that formerly consisted of a garage and a lubrication facility, respectively. During the Remedial Investigation (RI), trichloroethene (TCE) and 1,2,3-trichloropropane (1,2,3-TCP) were found in both soil and groundwater at IRP-13S. The likely sources were identified as past disposal or spills onto the ground. A Feasibility Study (FS) is currently being prepared to identify remedial alternatives for IRP-13S.

IRP-13W, which is approximately 1.5 acres of Parcel 24, is one of three parts of Drum Storage Area No. 3, consists of two past disposal areas located in the

northwestern portion of Parcel 24 and contains portions of Parcel 40 (Figure 4). Hydraulic fluid, diesel fuel, leaded gasoline, oil, paint strippers, battery acids, solvents and solvent-contaminated washwater were reportedly disposed onto IRP-13W soils. Petroleum hydrocarbons, selected metals, and polynuclear aromatic hydrocarbons were found in soil and TCE was found in soil and groundwater. The IRP-13W site contains AOCs: MAE-04, ST-14A/B/C, ST-15, and TOW-X7. MAE-04, ST-14 (A-C), ST-15 and TOW-X7 were demolished and removed as part of the removal action. A soil removal action was recommended, and approximately 3,700 tons of soil was removed in November 1997 (BNI 2001). Remedial alternatives for contaminated groundwater are being evaluated in the OU-4 focused FS report (BNI 2000).

IRP-16, which is approximately 2 acres of Parcel 24, is located in the center of Parcel 24 (Figure 4). IRP-16 originally consisted of three subsections: IRP-16A, 16B and 16C. IRP-16A consisted of 39 USTs (UST-22A through 22M) and received NFA concurrence in March 1997 (See letter in Attachment 2). IRP-16C consisted of AST-169 and AST-170; both received NFA concurrence in September 2000 (See letter in Attachment 2). IRP-16A and IRP-16C were both taken out of the IRP program under the CERCLA Petroleum Exclusion clause since they contained petroleum-contaminated soil, therefore, it was determined that the Santa Ana RWQCB had oversight of IRP-16A/C under the Petroleum Corrective Action Program. IRP-16B is a hydrocarbon and VOC contaminated site that is recommended for NFA. The hydrocarbon portion of IRP-16B received NFA in October 1997 by the RWQCB (See letter in Attachment 2). IRP-16B is what is currently being referred to as IRP-16 in this FOST. (See figure 4)

IRP-16 was the subject of a confirmation study in 1987 and 1988 and a fuel farm site assessment in 1993. Based on the investigation findings, two separate excavation and restoration activities were conducted in 1995 and 1996. Approximately 6,000 tons of contaminated soils were excavated and treated. DON performed further groundwater evaluation in October 2001 and determined that all contamination is below the maximum contaminant levels (MCLs). IRP-16 is currently under evaluation as part of the ongoing focused FS for OU-4.

UST-268, which is approximately 2 acres, is located in the southern portion of Parcel 24 (Figure 4). UST-268 was a base fuel filling station primarily utilized for government vehicles. Prior to 1991, the site contained UST-18A and UST-18B. These were 1,000 gallon steel gasoline USTs that were installed in 1943. UST-18A and B were removed by the base before 1991. In 1984, the base replaced UST-18A/B with UST-268 and a new fuel delivery system. UST-268 was a 4,500-gallon fiberglass gasoline tank. UST-268 was removed in December 1998. Between 1998 and 2000 approximately 20,800 tons of contaminated soil was removed and treated onsite. Soil and groundwater evaluation at UST-268 is

ongoing. A Draft Final Work Plan is currently under regulatory review. (IT 2002)

7.2 Environmental Findings in Adjacent Properties Surrounding Parcel 24

The following are the sites within the adjacent properties outside of Parcel 24 that have ongoing investigations or cleanups:

- IRP-12
- USTs-16, 27A/B
- AOCs - ST-72B, MWA-18, DSD-07, and MDA-02

FOSL 3 provides further information about IRP-12, UST-16, 27A/B and the various AOC sites. FOSL 3 also establishes restrictions that will be imposed on leases to allow use of the property without impeding the cleanup and to protect human health and the environment while remaining investigations and cleanups are being completed (DON 2002).

8.0 USE RESTRICTIONS AND NOTIFICATIONS

The documents listed in Attachment 1 were evaluated to identify environmental factors that may have affected the portions of Parcel 24 considered in this FOST. The evaluation identified existing environmental conditions that may warrant restrictions on certain activities to assure that post-transfer use of the FOST property is protective of human health and the environment. Environmental factors that require notification(s) and/or restriction(s) are discussed below and summarized in Table 8. See Table 5 for a list of environmental factors considered.

Attachment 5 provides comments from regulatory agencies and other interested parties with DON's corresponding responses. Unresolved comments are provided in Attachment 6, per FOST policy in the DoD Base Reuse Implementation Manual.

All the following restrictions listed in this section will be incorporated into the deed(s).

8.1 Notification - Polychlorinated Biphenyls

An inventory of PCB items and equipment at the former MCAS Tustin was conducted in 1992 (Kennedy/Jenks Consultants 1992) (Table 6). One transformer was found to have a high PCB level of 311 parts per million (ppm) and was replaced as a corrective action and disposed of as a regulated item. All other known transformers contained less than 50 ppm of PCBs and were therefore left in place.

Fluorescent light fixtures were not included in the PCB items and equipment survey. Because some of the buildings on Parcel 24 were built before 1979, some light ballasts in the buildings may contain PCBs. Fluorescent light ballasts manufactured before 1979 often contain PCBs in small capacitors that may be disposed as municipal solid waste. No remedial action is required at the buildings unless large quantities of PCB-containing fluorescent light ballasts are removed. According to DON guidance on disposal of fluorescent light ballasts containing PCBs (DON 1989), large quantities of PCB small capacitors generated from fluorescent light ballasts, such as when the fixtures in a large office or an entire building are replaced, should be disposed by the transferee as regulated PCB equipment.

Fluorescent light ballasts that contain PCBs have approximately 1.0 to 1.5 ounces of PCB fluid in each capacitor. There are approximately 3.1 to 4.7 pounds of PCB fluid for every 50 PCB small capacitors in fluorescent light ballasts. If the transferee plans to dispose fluorescent light ballasts or any other equipment containing more than 3 pounds of PCB fluids, they should be processed by the transferee as regulated items.

In 1996, a PCB transformer survey was conducted at MCAS Tustin (PWC 1996). Per federal regulations (40 Code of Federal Regulations 761.3), transformers with PCB concentrations less than 50 ppm are classified as non-PCB transformers. However, equipment containing less than 50 ppm PCBs may be subject to State hazardous waste laws at time of disposal.

Transformers within the transfer portion of Parcel 24 that have concentrations of PCBs at 27 ppm are still present. These transformers are considered non-PCB transformers under federal regulations, however, the transferee must comply with applicable State and local laws at the time of disposal.

8.2 Notification - Radon

DoD policy (included in Attachment 4) is to disclose available and relevant radon assessment data pertaining to BRAC property being leased or transferred for inclusion in property lease/transfer documents. However, there is currently no federal requirement to perform follow-on radon assessment or mitigation in federal buildings, including those to be transferred to the public or private sector (DoD 1994b).

Though not required by regulatory agencies, DON conducted a radon survey at the housing areas of MCAS Tustin in 1991. Radon screening results were based upon a representative sampling of residential buildings in Parcels 23, 34, 35, and 36. Radon sampling was not conducted on Parcel 24. However, the results of the radon survey indicated that none of the residential buildings contained levels of radon above 4 picocuries per liter (pCi/L). According to U.S. EPA guidance, radon at levels of 4 pCi/L or less are considered "low risk," and no mitigation is

required (DON 1991). Additional radon testing or mitigation, therefore, was not required.

Based on sampling conducted at adjacent and similar parcels, radon does not pose any issues or concerns on Parcel 24.

8.3 Notifications And Restrictions – Asbestos-Containing Material

DoD policy with regard to asbestos-containing material is to manage ACM in a manner protective of human health and the environment, and to comply with all applicable federal, state, and local laws and regulations governing ACM hazards (DOD 1994b). Therefore, unless it is determined by competent authority that the ACM in the property poses a threat to human health at the time of transfer, all property containing ACM will be conveyed, leased or otherwise conveyed “as is” through the BRAC process. ACM is considered to be a threat to human health if it is located within the interior of a building and is friable, accessible and damaged (FAD).

Prior to property disposal, all available information on the existence, extent, and condition of ACM shall be made available via the EBS report or other appropriate document to the transferee. The information will include:

- Reasonably available information on the type, location, and condition of asbestos in any building or improvement on the property;
- Available results of testing for asbestos, including results of a site-specific FAD ACM survey performed to revalidate the condition of the ACM;
- A description of asbestos control measures taken for the property; and
- Available information on costs or time necessary to remove remaining ACM; however, special studies or tests to obtain this information will not be provided by DON.

DON is required to conduct a FAD ACM survey only when the reuse plan calls for a building to be reused or occupied, rather than demolished. Furthermore, a FAD ACM survey is not required if ACM has never been identified in the interior of a building during previous asbestos surveys, or if an asbestos survey conducted after 1996 found no damaged ACM and there is no reason to suspect that damaged ACM is present. The 1996 date was established to be consistent with the Asbestos Hazard Emergency Response Act (AHERA), which calls for a re-inspection to assess the physical condition (i.e., good or damaged) of ACM at least once every three years. Since base closure occurred in 1999, qualified inspections performed in 1997 or later in buildings that have been vacant since closure are considered to be in compliance with this act.

ACM shall be remediated prior to property disposal only if it is of a type and condition that is not in compliance with applicable laws, regulations, and

standards, or if it poses a threat to human health at the time of transfer of the property (i.e., FAD ACM). This remediation shall be accomplished by DON or by the transferee under a negotiated requirement of the property transfer. Use of buildings with FAD ACM will be restricted until abatement has been completed.

When the buildings are scheduled for demolition by the transferee, the transfer document shall prohibit occupation of the buildings prior to demolition. The transferee shall assume responsibility for the management of any ACM, including surveys, removal and/or management of ACM prior to or during demolition, in accordance with applicable laws. Buildings that are to be demolished may be occupied on an interim basis only if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements.

DoD policy with respect to ACM is contained in Attachment 4 and a graphic representation of this policy and the decision-making process is presented as Figure 5.

The following sections summarize specific notifications and restrictions regarding the presence of ACM in some of the buildings located within the portion of Parcel 24 considered in this FOST.

8.3.1 Notifications – Asbestos-Containing Material

ACM has been identified in buildings located on the transfer portion of Parcel 24. Three ACM surveys conducted at the former MCAS Tustin included buildings in the portion of Parcel 24. The survey results are presented in reports dated December 1988, December 1991 and August 2002 (IT Corporation 1988; Ecology and Environment, Inc. 1991; Brown and Caldwell, 2002). Results from the ACM surveys are summarized in Table 7. To assure full disclosure of all known ACM on the transfer portion of Parcel 24, copies of the ACM survey reports will be available at a disclosed location at time of transfer.

8.3.1.1 Buildings Planned For Demolition Or “To Be Determined” (TBD)

Building 17 was built in 1942. A 1988 survey did not find any ACM.

Building 17T was built in 1990. The proposed disposition is unknown according to the reuse plan. This building was never surveyed for asbestos.

Building 41 was built in 1942. A 1991 survey determined that non-friable ACM was reported in the roofing.

Building 53 was built in 1942. A 1991 survey determined that non-friable ACM was reported in the roofing, transite, floor tiles, drywall and tar paper.

Building 66 was built in 1944. A 1988 survey determined that non-friable ACM was reported in the transite and floor tiles.

Building 89 was built in 1953. A 1988 survey determined that non-friable ACM was reported in the floor tiles.

Building 228 was built in 1979. A 1991 survey determined that non-friable ACM was reported in the roofing, floor tiles, drywall and ceiling tile.

Building 3005T was built in 1990. No ACM surveys were ever performed.

8.3.1.2 Building Planned For Reuse

Building 247 was built in 1982. A 1991 survey determined that non-friable ACM was reported in the roofing and floor tiles. This building was resurveyed for FAD ACM in August 2002. The 2002 survey determined that no FAD ACM was found in the building.

8.3.2 Restrictions – Asbestos-Containing Material

8.3.2.1 Buildings Planned For Demolition Or “To Be Determined” (TBD)

Buildings 53, 66, 89 and 228- Since the ACM surveys for these buildings were conducted prior to 1997, the physical condition of the interior ACM as stated in the existing reports may no longer be accurate. Nevertheless, since the buildings are slated for demolition, or have a disposition of ‘to be determined’, DON is not obligated to conduct any additional surveys. In accordance with policy, these buildings will be restricted from occupancy prior to demolition. The deed will indicate that the transferee assumes responsibility for the management of ACM, including the surveys, removal and/or management of ACM prior to or during demolition, in accordance with all applicable local, state, and federal laws. These buildings may only be occupied if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements prior to occupancy or renovation.

Buildings 17 and 41 - Since no interior ACM was observed in these buildings and they are not designated for reuse, DON will not impose restrictions for occupancy due to ACM. However, the transferee must still assume responsibility for the management of the existing ACM, including surveys, removal and/or management of ACM prior to or during demolition, if any is detected in the buildings.

Buildings 17T and 3005T – Since no ACM surveys have been conducted, these buildings are restricted from occupancy prior to demolition. The deed will indicate that the transferee assumes responsibility for the management of ACM, including surveys, removal and/or management of ACM prior to or during demolition, in accordance with applicable laws. Since the buildings are not designated for reuse, DON is not obligated to conduct asbestos surveys. These buildings may only be occupied if the transferee conducts the necessary ACM

surveys and abatement according to all local, state, and federal requirements prior to occupancy or renovation.

8.3.2.2 Building Planned For Reuse

Building 247 - No FAD ACM was found in this building. A survey was originally performed in 1991. Because the survey was performed prior to 1996, DON resurveyed Building 247 in August 2002. No FAD ACM was found in this building during the 2002 survey and therefore will not be restricted from occupancy.

8.4 Notifications And Restrictions - Lead-Based Paint

The following text provides information on LBP evaluations for the portion of Parcel 24 considered in this FOST including the requirements for surveys, notification of survey results, and restrictions based on identified LBP hazards prior to transfer of property or during demolition.

Nonresidential Buildings

In order to address the risk of adverse health effects to children from LBP exposure, legislation and national policy regarding LBP has focused on residential areas and child-occupied facilities where children may be present. Non-residential buildings (e.g., warehouses and office buildings) are typically occupied by adults with minimal exposure to children. DON will not conduct sampling at non-residential buildings prior to transfer. Evaluation and abatement of LBP at non-residential buildings will be the responsibility of the transferee. All nine buildings located in the transfer portion of Parcel 24 are non-residential buildings. Therefore, none of the buildings have been surveyed for LBP.

Demolition of LBP-containing buildings must be performed in accordance with applicable local, state, and federal requirements. Non-residential buildings scheduled for demolition will require post-demolition soil sampling and abatement of soil-lead hazards by the transferee prior to occupation of any new buildings.

Information pertaining to LBP at non-residential buildings, if any, will be provided to the transferee with the transfer documents. Notification of potential LBP at non-residential buildings where surveys were not conducted will be based solely on the age of construction (i.e., constructed before 1978).

8.4.1 Notifications - Lead-Based Paint

There are a total of 9 non-residential buildings located within the portion of Parcel 24 considered in this FOST. Of these buildings, the following were constructed before 1978 when LBP was commonly used throughout the United

States, including military installations; therefore, they are assumed to contain LBP:

Building 17 was previously used as a maintenance and Utility Shop. This building is scheduled for demolition.

Building 41 was previously used as a storage building. This building is scheduled for demolition.

Building 53 was previously used as a storage and lock shop building. This building is scheduled for demolition.

Building 66 was previously used as a Public Works Shop. This building is scheduled for demolition.

Building 89 was previously used as a warehouse. This building is scheduled for demolition.

The ages of construction for these buildings suggest the likelihood that LBP may be present. Therefore, there is a possibility that, through the normal weathering, lead from LBP is present in the soil surrounding these buildings.

8.4.2 Restrictions - Lead-Based Paint

8.4.2.1 Nonresidential Buildings

Buildings 17, 41, 53, 66 and 89 - Since these buildings were constructed prior to 1978 (when LBP was potentially used) and are scheduled for demolition, use of these buildings is restricted from residential use and children will not be allowed to occupy these buildings. The transferee will be required to demolish the buildings in accordance with local, state, and federal requirements and conduct post-demolition soil sampling and abatement of any soil-lead hazards.

Buildings 17T, 228, 247 and 3005T - Since these buildings were constructed after 1978, no restrictions or requirements are necessary for LBP.

8.5 Notification - Hazardous Substances or Petroleum Products

Pursuant to CERCLA section 120(h)(3)(A)(i) and the provisions of 40 *Code of Federal Regulations* part 373, the deed will contain a notice of hazardous substances stored, released, or disposed within the transfer portion of Parcel 24 at the former MCAS Tustin. A release or disposal of hazardous substances or petroleum products has occurred within the transfer portion of Parcel 24 considered in this FOST. The Hazardous Substances Notification Table and Petroleum Products Notification Table are provided in Attachment 3. The Petroleum Products Notification Table lists the UST/AST and AOC sites (containing petroleum products), which are within the scope of the CERCLA Petroleum Exclusion set forth in CERCLA section 101(14).

8.6 Covenants - Remedial Actions

The deed for transfer of parcels on which "any hazardous substance was stored for one year or more, known to have been released, or disposed of..." as a result of former activities conducted by the United States, will include a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of transfer, made pursuant to CERCLA section 120(h)(3)(A)(ii)(I). The covenant will also warrant "that any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States", made pursuant to CERCLA section 120(h)(3)(A)(ii)(II). This covenant will apply to the portion of Parcel 24 considered in this FOST (see Hazardous Substance Notification Table in Attachment 3). This covenant will not apply to any remedial action required on the property that is a result of an act or omission of the transferee that causes a new release of hazardous substances.


8.7 Right Of Access

The deed shall reserve and the transferee shall grant to the United States an appropriate right of access to the portion of Parcel 24 considered in this FOST, pursuant to CERCLA section 120(h)(3)(A)(iii), to enable the United States and others to enter said parcel in any case in which remedial action or corrective action is found to be necessary on said parcel or adjacent property after the date of property transfer.

9.0 FINDING OF SUITABILITY

On the basis of the foregoing information and analysis, I have concluded that the requirements of CERCLA section 120(h)(3) have been met, and I find that the portion of Parcel 24 that is the subject of this FOST, are suitable for transfer by deed for the intended purpose, subject to the notifications and restrictions set forth in Section 8.0. The parcel (portion) can be used with acceptable risk to human health and the environment and without interference with the environmental restoration process.

Date 9/26/02


C. Schanze
Captain, CEC, U.S. Navy
Commander

M62535.001322

MCAS TUSTIN

SSIC # 5090.3

TABLES

FINDING OF SUITABILITY TO TRANSFER FOR A PORTION OF PARCEL 24

DATED 26 SEPTEMBER 2002

Table 1
Buildings Within Transfer Portion of Parcel 24

Parcel	Building (B)	Prior Use ^{a, b}	Year Built ^a	Total Area (sq. ft.) ^a	Proposed Disposition ^c	Ultimate Parcel Use ^d
24	B 17 (Portion)	Maintenance and Utility Shop	1942	6,077	Demolition	Residential
24	B 17T	Equipment Storage ^f	1990 ^f	500	Unknown	Residential
24	B 41	Storage / Warehouse	1942	2,712	Demolition	Residential
24	B 53	Lock Shop/Storage	1942	1,970	Demolition	Residential
24	B 66	Public Works Shop	1944	3,663	Demolition	Residential
24	B 89	Warehouse/MARCORPS Property	1953	7,575	Demolition	Residential
24	B 228	Issue Warehouse	1979	3,150	Demolition	Residential
24	B 247	POL Testing Lab/ Administration	1982	600	Reuse	Residential
24	B 3005T	Storage of Shipping Crates	1990 ^e	600	Demolition	Residential

Notes

^a Prior Use, Year Built, Total Area - Basewide Environmental Baseline Survey, Appendix C (BNI 2001)

^b Buildings are currently vacant unless otherwise noted

^c Proposed Disposition - Basewide Environmental Baseline Survey, Appendix B (BNI 2001)

^d Ultimate Parcel Use - Reuse Plan, Figure 2 (City of Tustin 1998)

^e Year Built for Building 3005T - Reuse Plan, Appendix C (City of Tustin 1998)

^f Prior Use, Year Built, Total Area - Final Building Summary, MCAF Tustin, CA (BNI 1999)

Acronyms/ Abbreviations

POL = petroleum, oil, and lubricant

sq. ft. = square feet

Table 2
Former Areas of Concern Within Transfer Portion of Parcel 24

Parcel	AOC ^a	Description ^b	Status ^b	Status Summary ^b	Area Type ^{b, c}
24	AMS-06	A 40-foot diameter dark spot, 30 feet southeast of Berry Road (between Berry Road and Bldg. 90), was identified in an aerial photograph dated February 28, 1963. No stains were observed and the Addendum to the revised PR/draft VSI report concluded that no hazardous wastes were stored or released from the site. The area is currently an old, damaged parking lot.	RCRA AOC No site visit conducted NFA concurrence	Complete Complete (Letter 9/16/96)	1
24	MDA-06	Review of aerial photographs indicated the area just to the south of IRP-13E may have been used to store drums of waste liquids. Dates of operation are unknown.	RCRA AOC RFA conducted Final RFA report: soil removal by RAC recommended Closure by RAC under RCRA Closure report NFA concurrence	Complete Complete (4/97) Complete Complete Complete (Letter 12/9/99)	4
24	MDA-10	Review of aerial photographs indicated the area just to the west of IRP-13E may have been used to store drums of waste liquids. Dates of operation are unknown.	RCRA AOC RFA conducted Final RFA report: soil removal by RAC recommended Closure by RAC under RCRA Closure report: NFA recommended NFA concurrence	Complete Complete (4/97) Complete Complete Complete (Letter 10/14/99)	4

Table 2 (continued)
Former Areas of Concern Within Transfer Portion of Parcel 24

Parcel	AOC ^a	Description ^b	Status ^b	Status Summary ^b	Area Type ^{b, c}
24	MWA-17	Inactive. This wash rack, located south of Bldg. 53, was installed in the 1940s. The unit was used for washing vehicles. The wash rack drained through a 12-inch-diameter pipe below the grill. The pipe was connected to the storm drain and the wastewater was discharged directly into Peters Canyon Channel. No O/W SEP was associated with this wash rack. The overall integrity of the unit appeared to be good. Dates of operation were the 1940s to 1996.	RCRA AOC Closure by RAC under RCRA Closure report: NFA recommended NFA concurrence	Complete Complete Complete (Letter 10/14/99)	3
24	ST-21E	Demolished. This unit (northeast of Bldg. 247), operated by Bulk Fuel Supply, was used for temporary storage of hazardous waste. The storage area consisted of one or two 55-gallon drums with no secondary containment. In 1991, storage at this site was discontinued. Wastes formerly stored at this unit included JP-5 generated from the testing of fuel in the associated ASTs. Dates of operation were unknown to 1991.	RCRA AOC Closure by RAC under RCRA Closure report: NFA recommended NFA concurrence	Complete Complete Complete (Letter 2/24/00)	4

Notes:

- ^a Known AOC sites in each Parcel - Basewide Environmental Baseline Survey, Table 3-2 (BNI 2001)
- ^b AOC descriptions, Status, Status Summary, and Area Type - Basewide Environmental Baseline Survey, Table F-1 (BNI 2001)
- ^c Area type based upon environmental condition as defined in the Base Realignment and Closure (BRAC) Cleanup Plan Guidebook Addendum (August 1996) and subsequent site investigation data (see Table 4)

Acronyms/Abbreviations:

AMS	=	aerial photograph, miscellaneous, stain, possible spill	PR	=	preliminary review
AOC	=	area of concern	RAC	=	remedial action contractor
Bldg.	=	building	RCRA	=	Resource Conservation and Recovery Act
IRP	=	Installation Restoration Program	RFA	=	RCRA Facility Assessment
JP-5	=	jet propellant grade 5	ST	=	storage, temporary
MDA	=	miscellaneous, potential disposal area	VSI	=	visual site inspection
MWA	=	miscellaneous, wash area			
NFA	=	no further action			
O/W SEP	=	oil/water separator			

Table 3
Former UST/AST Sites
Within Transfer Portion of Parcel 24

Parcel	UST/AST ^a	Description ^b	Status ^b	Area Type ^{b, c}
24	UST 22A (1,2)	15,000-gallon, steel, fuel oil UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22B (1-3)	8,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22C (1-3)	8,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22D (1-4)	7,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22E (1-3)	7,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22F (1-3)	7,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2

Table 3 (continued)
Former UST/AST Sites
Within Transfer Portion of Parcel 24

Parcel	UST/AST ^a	Description ^b	Status ^b	Area Type ^{b, c}
24	UST 22G (1-3)	7,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22H (1-3)	8,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22I (1-3)	8,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22J (1-3)	8,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22K (1-3)	8,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 22L (1-3)	500-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2

Table 3 (continued)
Former UST/AST Sites
Within Transfer Portion of Parcel 24^a

Parcel	UST/AST ^a	Description ^b	Status ^b	Area Type ^{b, c}
24	UST 22M (1-3)	8,000-gallon, steel, gasoline UST Installed - 1942 Removed - November 1991 Former IRP-16 (A). Excavation/backfill activities completed under RAC (DO No. 12)	Closure report - January 17, 1997 NFA approval - March 3, 1997 (Santa Ana RWQCB)	2
24	UST 66	450-gallon, steel, fuel oil UST Installed - 1944 Removed - Prior to 1991 Excavation/backfill activities completed under RAC (DO No. 51)	Closure report - January 2, 1998 NFA approval - January 21, 1998 (Santa Ana RWQCB)	2
24	UST 89	30-gallon (drum), steel, fuel oil UST Removed - December 1, 1999 Excavation/backfill activities completed under RAC (DO No. 103). Drum removed in presence of OCHCA Inspector	Draft Closure report - December 14, 2000 NFA approval - March 29, 2001 (BCT)	3
24	AST 169	219,000-gallon, steel, JP-5 AST Removed - June 22, 1998	Closure report - January 29, 1999 NFA approval - September 28, 2000 (Santa Ana RWQCB)	2
24	AST 170	217,000-gallon, steel, JP-5 AST Removed - June 22, 1998	Closure report - January 29, 1999 NFA approval - September 28, 2000 (Santa Ana RWQCB)	2

Notes:

- ^a Known UST and AST sites in Parcels - Basewide Environmental Baseline Survey, Table 3-2 (BNI 2001)
- ^b UST and AST Description, Status, and Area Type - Basewide Environmental Baseline Survey, Tables 5-5 and 5-6 (BNI 2001)
- ^c Area type based upon environmental condition as defined in the Base Realignment and Closure (BRAC) Cleanup Plan Guidebook Addendum and subsequent site investigation data (see Table 4) (DoD 1996)

Acronyms/Abbreviations:

AST = aboveground storage tank
 BCT = base realignment and closure (BRAC) Cleanup Team
 DO = delivery order
 IRP = Installation Restoration Program
 JP-5 = jet propellant grade 5
 No. = number
 NFA = no further action
 OCHCA = Orange County Health Care Agency
 RAC = Remedial Action Contractor
 RFA = RCRA Facility Assessment
 RWQCB = (California) Regional Water Quality Control Board
 UST = underground storage tank

Table 4
Department of Defense
Environmental Condition of Property Area Types *

Area Type	Description
1	Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas)
2	Areas where only release or disposal of petroleum products has occurred
3	Areas where release of hazardous substances has occurred, but at concentrations that do not require a removal or remedial action
4	Areas where release, disposal, and/or migration of hazardous substances has occurred, and all remedial actions necessary to protect human health and the environment have been taken
5	Areas where release, disposal, and/or migration of hazardous substances has occurred, and removal or remedial actions are underway, but all required remedial actions have not yet been taken
6	Areas where release, disposal, and/or migration of hazardous substances has occurred, but required response actions have not yet been implemented
7	Areas that have not been evaluated or require additional evaluation

Note:

* according to the Department of Defense BRAC Cleanup Plan Guidebook (DoD 1996), properties classified as Area Types 1 through 4 may be considered suitable for transfer, and properties classified as Area Types 5 through 7 are considered unsuitable for transfer

Acronyms/ Abbreviations:

BRAC = base realignment and closure
DoD = Department of Defense

Table 5
Environmental Factors Considered – Transfer Portion of Parcel 24

Environmental Factors May Pose Restrictions or Require Notification?		Environmental Factors Considered
No	Yes	
	X	Hazardous substances
	X	Areas of concern
X		Medical/biohazardous wastes
X		Oil/water separators
X		Monitoring wells/surface water gauging locations/landfill gas monitoring probes
X		Unexploded ordnance
	X	Petroleum products and derivatives
X		Radioactive & mixed wastes
	X	Storage tanks (USTs /ASTs)
X		Pesticides/herbicides applications
	X	Asbestos
X		Drinking water quality
X		Indoor air quality
	X	Lead-based paint
	X	Polychlorinated biphenyls
	X	Radon
X		Air conformity/air permits
X		Coastal zones
X		Energy (utilities)
X		Flood plains
X		Groundwater use/subsurface excavation
X		Hazardous waste management (by lessee)
X		Historic property (archeological/Native American, paleontological)
X		Occupational Safety & Health Administration
X		Outdoor air quality
X		Prime/unique farmlands
X		Sanitary sewer systems (wastewater)
X		Sensitive habitat
X		Septic tanks (wastewater)
X		Solid waste
X		Threatened and endangered species
X		Transportation
X		Wetlands
X		School Site Considerations

Acronyms/Abbreviations:

AST = aboveground storage tank

UST = underground storage tank

Table 6
Summary of PCB Transformer Survey and PCB Equipment Inspection Results in Buildings Within Transfer Portion of Parcel 24

Parcel	Building (B)	Proposed Disposition*	Year Built	Location of Associated Transformer*	Transformer ID No. *	Max PCB. Content of Transformer* (ppm)	PCB Equipment Inspection Performed? *	Inspection Report Date*	PCB-Containing Equipment Present? *	Location*	Corrective Action *
24	B 17 (portion)	Demolition	1942	On adjacent pad	Unknown	27	Yes	1992	No	NA	NA
24	B 17T	Unknown	1990	NA	NA	NA	No	NA	NA	NA	NA
24	B 41	Demolition	1942	On adjacent poles	6833237, 6827971, 6827965	311	Yes	1992	No	NA	Replaced
24	B 53	Demolition	1942	NA	NA	NA	Yes	1992	NA	NA	NA
24	B 66	Demolition	1944	On adjacent pole	2976487, 2977515, 2978063	4	Yes	1992	No	NA	NA
24	B 89	Demolition	1953	NA	NA	NA	Yes	1992	No	NA	NA
24	B 228	Demolition	1979	NA	NA	NA	Yes	1992	No	NA	NA
24	B 247	Reuse	1982	On adjacent poles	10997-1, 10997-2, 4148107	7	Yes	1992	No	NA	NA
24	B 3005T	Demolition	1990	NA	NA	NA	No	NA	NA	NA	NA

Notes

* Proposed Disposition, Associated Transformer, Location, ID No., Max PCB Content, PCB Equipment Inspection Performed, Inspection Report Date, PCB Containing Equipment Present, Location, Corrective Action – Basewide Environmental Baseline Survey, Table B-2 (BNI 2001)

Acronyms/Abbreviations:

Max = maximum
ID = identification
NA = not applicable
No. = number
PCB = polychlorinated biphenyl
ppm = parts per million

Table 7
Summary of ACM Survey Results in Buildings Within Transfer Portion of Parcel 24

Parcel	Building (B)	Proposed Disposition ¹	Year Built	ACM Survey Performed? ¹	Survey Report Date ¹	ACM Found? ¹	Location ¹	Type Condition ¹
24	B 17 (portion)	Demolition	1942	Yes	1988	No	NA	No ACM (1988)
24	B 17T	Unknown ²	1990 ³	No	NA	NA	NA	NA
24	B 41	Demolition	1942	Yes	1991	Yes	Roofing	Non-friable ACM (1991)
24	B 53	Demolition	1942	Yes	1991	Yes	Roofing, transite, floor tiles, drywall, tar paper	Non-friable ACM (1991)
24	B 66	Demolition	1944	Yes	1988	Yes	Transite, floor tiles	Non-friable ACM (1988)
24	B 89	Demolition	1953	Yes	1988	Yes	Floor tiles	Non-friable ACM (1988)
24	B 228	Demolition	1979	Yes	1991	Yes	Floor tile, roofing, ceiling tile, drywall	Non-friable ACM (1991)
24	B 247	Reuse	1982	Yes	2002	Yes	Roofing, floor tile	Non-friable ACM (2002)
24	B 3005T	Demolition	1990	No	NA	NA	NA	NA

Notes:

¹ Source - Basewide Environmental Baseline Survey, Table B-3 (BNI 2001); Building 247 - ACM survey Report (Brown and Caldwell, 2002)

² Proposed disposition not specified in reuse plan

³ Year Built - Final Building Summary, MCAF Tustin, CA (BNI 1999)

Acronyms/ Abbreviations:

ACM = asbestos-containing material

NA = not applicable

Table 8
Notifications and Restrictions Summary for Transfer Portion of Parcel 24

Parcel	Building/ Structure #	Proposed Disposition																
			Hazardous Substances or Petroleum Products	AOCs/ Areas Under Evaluation	Unexploded Ordnance	Radiological Materials	USTs/ASTs	Pesticides	Asbestos	Indoor Air Quality	Lead-Based Paint	PCBs	Radon	Groundwater Use/ Subsurface Excavation	Historic Property	Prime/Unique Farmland	Wetlands	Monitoring Wells

24	All in FOST		8.5	6			6		8.3		8.4	8.1	8.2						
----	-------------	--	-----	---	--	--	---	--	-----	--	-----	-----	-----	--	--	--	--	--	--

24	B 17 (portion)	Demolition							8.3.2.1		8.4.2.1								
24	B 17T	Unknown ¹							8.3.2.1										
24	B 41	Demolition							8.3.2.1		8.4.2.1								
24	B 53	Demolition							8.3.2.1		8.4.2.1								
24	B 66	Demolition							8.3.2.1		8.4.2.1								
24	B 89	Demolition							8.3.2.1		8.4.2.1								
24	B 228	Demolition							8.3.2.1										
24	B 247	Reuse							8.3.2.2										
24	B 3005T	Demolition							8.3.2.1										

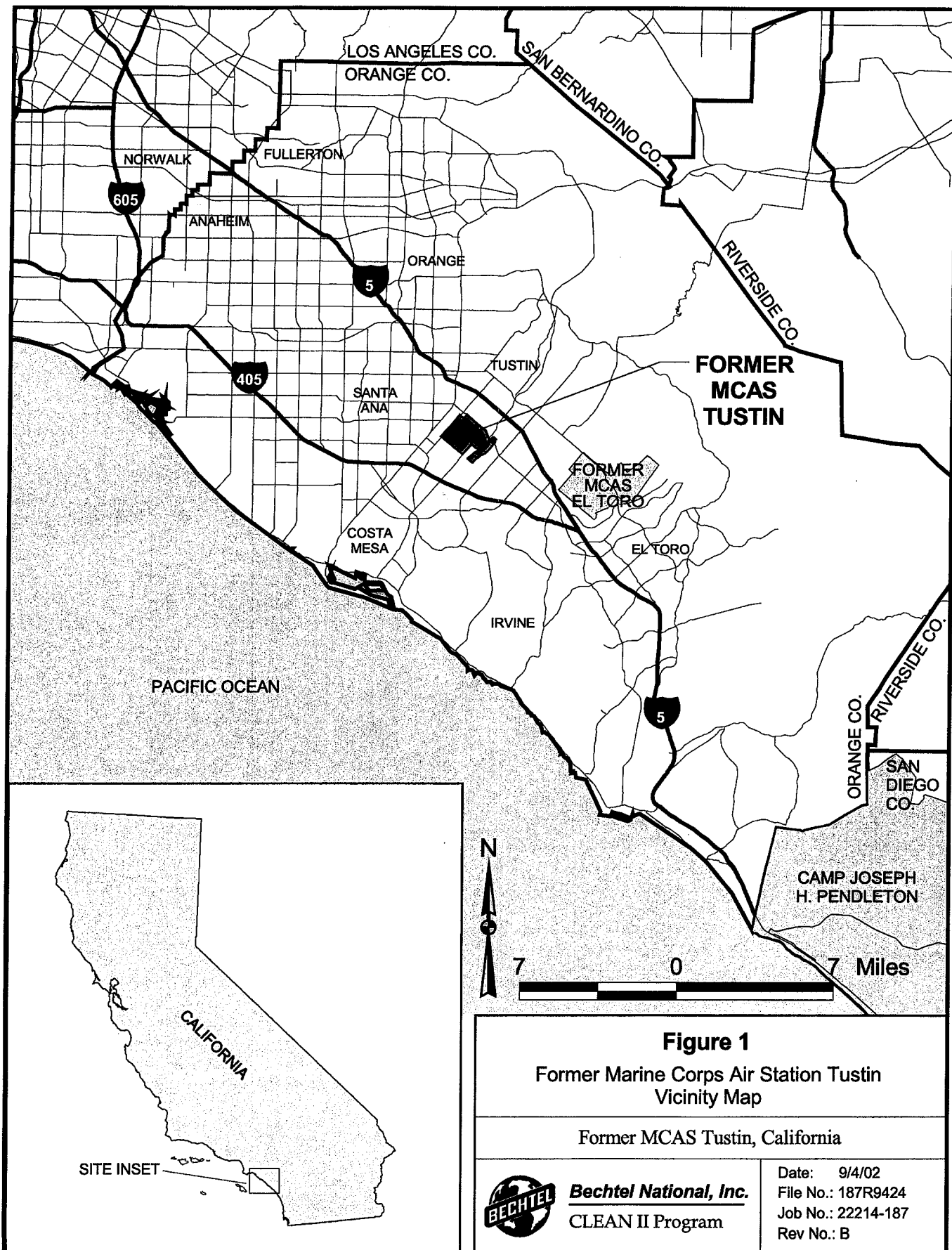
Proposed disposition not specified in Reuse Plan

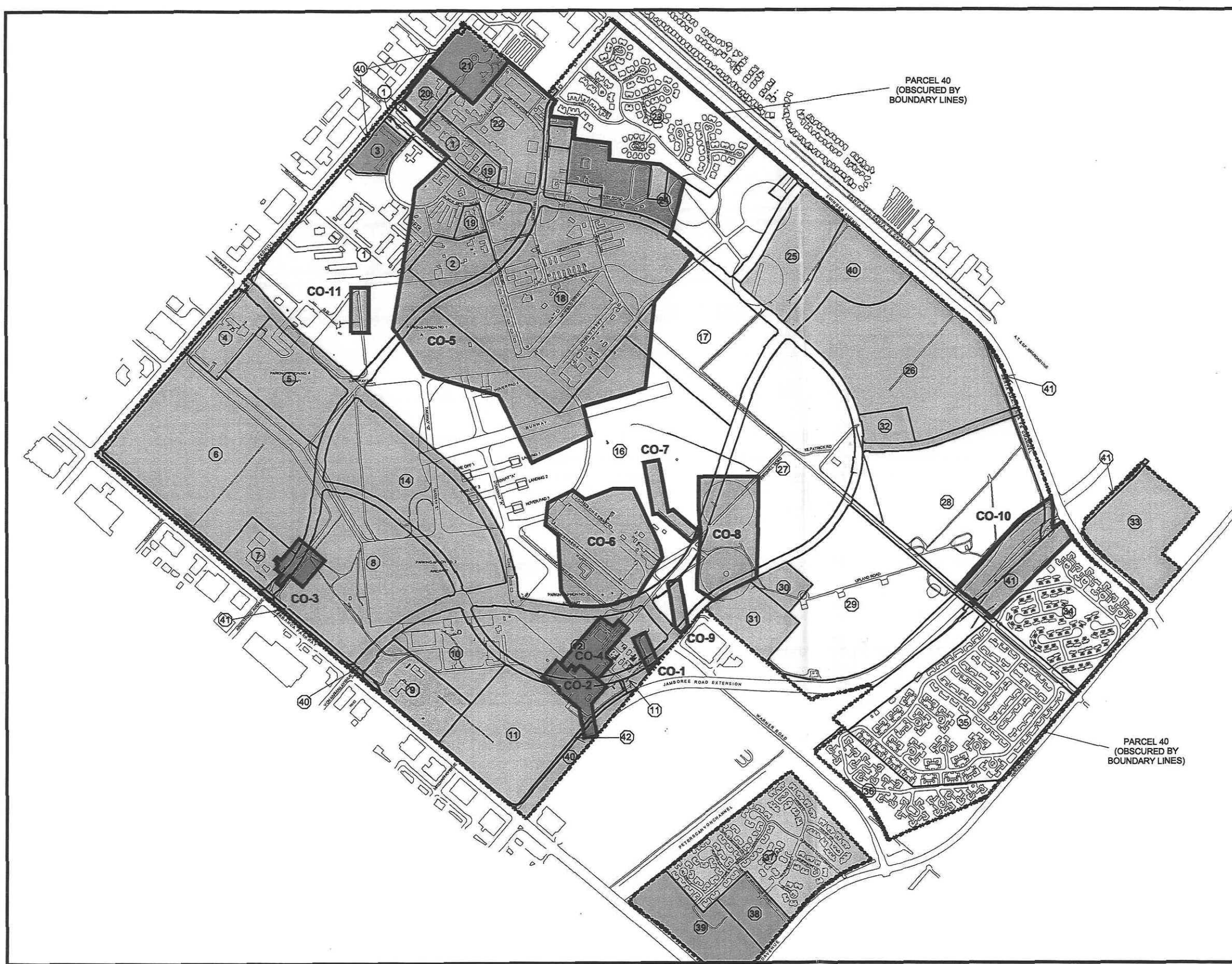
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MCAS TUSTIN
SSIC # 5090.3

FIGURES

FINDING OF SUITABILITY TO TRANSFER
FOR A PORTION OF PARCEL 24

DATED 26 SEPTEMBER 2002





LEGEND

- GOVERNMENT PROPERTY LINE
- ROAD OR PAVED AREA
- BUILDING OR STRUCTURE
- PARCEL BOUNDARY
- 27 PARCEL NUMBER
- CARVE-OUT AREA
- FOST FOR PARCELS 3, 21, 38, 39, AND PORTIONS OF 40
- FOST FOR SOUTHERN PARCELS 4-8, 10-12, 14, AND 42, AND PARCELS 25, 26, 30-33, 37, AND PORTIONS OF 40 AND 41
- FOST FOR PARCELS 23, 29, 34, 35, AND 36, AND PORTIONS OF 1, 16, 17, 24, 27, 28, 40 AND 41
- FOST FOR SOUTHERN PARCEL CARVE-OUT AREAS 1, 2, 3, AND 4
- FOST FOR CARVE-OUT AREAS 5, 6, 7, 8, 9, 10, AND 11
- FEDERAL-TO-FEDERAL CONVEYANCE
- PORTION OF PARCEL 24 SUBJECT TO THIS FOST

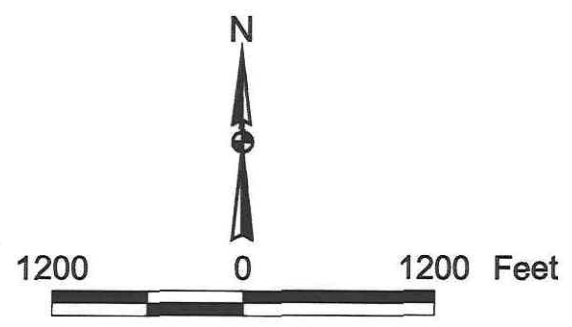


Figure 2
Transfer Property Location Map

Former MCAS Tustin, California



Bechtel National, Inc.
CLEAN II Program

Date: 8/29/02
File No.: 187L9425
Job No.: 22214-187
Rev No.: C

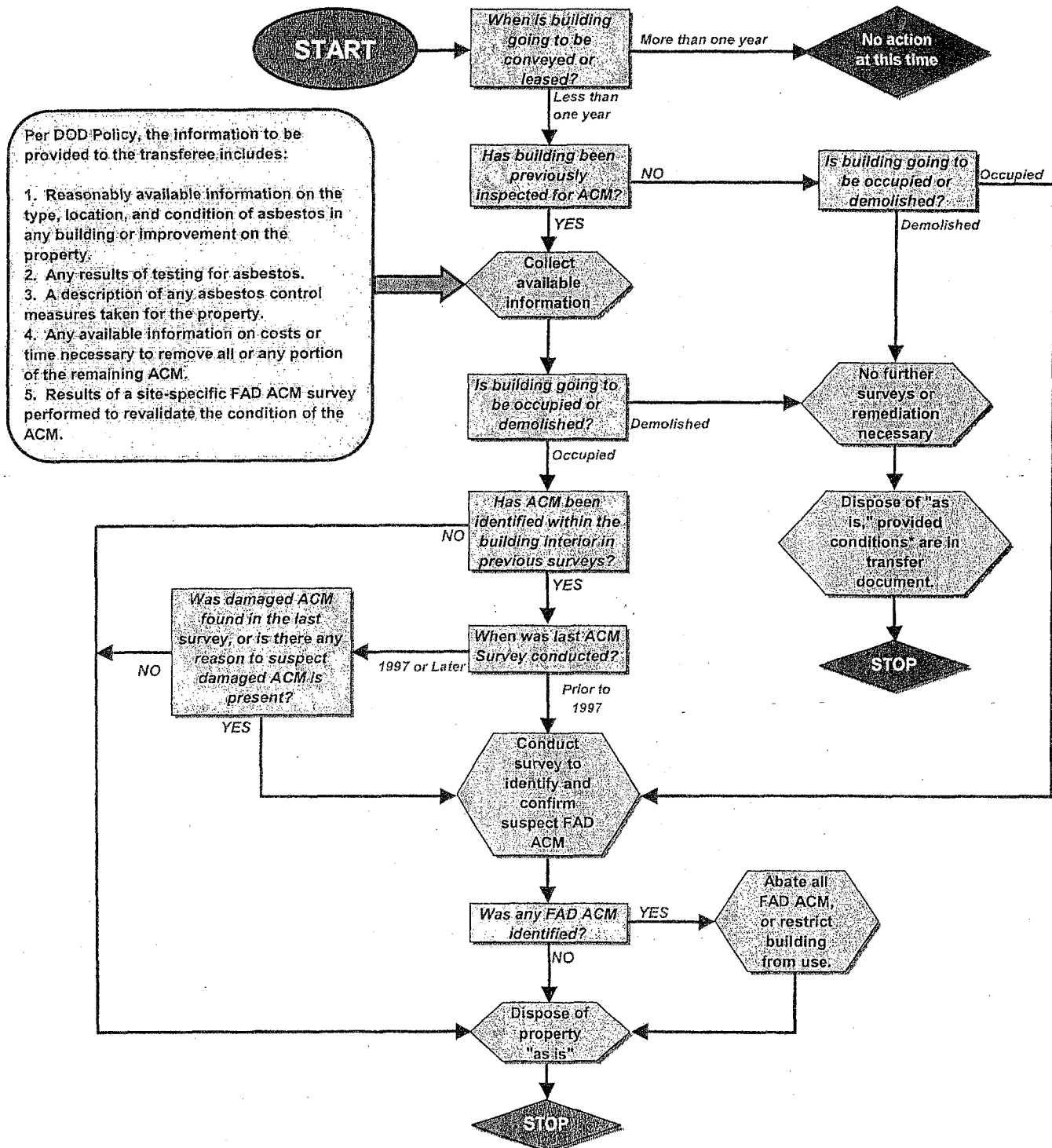


FIGURE 5

DECISION TREE FOR ASBESTOS-CONTAINING MATERIAL SURVEYS

DOD POLICY ON ASBESTOS AT BRAC PROPERTIES

Prior to property disposal, all available information on the existence, extent and condition of ACM shall be provided to the transferee in an EBS report or other appropriate document. All property containing ACM will be conveyed, leased or otherwise disposed of as is through the BRAC process, unless it is determined by competent authority that the ACM in the property poses a threat to human health at the time of transfer. This flow chart summarizes the steps necessary to comply with the DOD policy on asbestos at BRAC properties.



* Unless existing surveys indicate that there is no ACM which poses a threat to human health, the transfer document must prohibit occupation of the buildings prior to the demolition, and the transferee must assume responsibility for the management of any ACM in accordance with applicable laws.

ATTACHMENT 1

REFERENCES

REFERENCES

- Bechtel National, Inc. 1997a. Final Environmental Baseline Survey for Parcels 6, 8B, 8C, 11A, 33, 38, 39, 41A, and 41B, Marine Corps Air Station Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. April.
- — —. 1999. Final Building Summary Report Marine Corps Air Facility Tustin, California. Prepared for Southwest Division Naval Facilities Engineering Command. May.
- — —. 2000. Draft Focused Feasibility Study Report for Operable Unit-4, Marine Corps Air Station Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. November.
- — —. 2000a. Final Record of Decision/Remedial Action Plan, Operable Unit 2, No Action Sites and Areas of Concern. Marine Corps Air Station Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. June.
- — —. 2001. Final Basewide Environmental Baseline Survey, Marine Corps Air Facility Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. March.
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- Brown and Caldwell. 2002. Friable, Accessible, and Damaged Asbestos Survey Report, Building 247, Marine Corps Air Facility Tustin, CA. August.
- City of Tustin. 1998. Marine Corps Air Station Tustin Specific Plan/Reuse Plan Errata. Prepared under subcontract to Howard Needles Tammen & Bergendoff. September.
- DoD. See United States Department of Defense.
- DON. See United States Department of Navy.
- Ecology and Environment, Inc. 1991. Asbestos Survey and Assessment, Camp Pendleton, El Toro, and Tustin Marine Corps Air Stations, CA - Volume 1. December.
- IT Corporation. 1988. Asbestos Survey for United States Marine Corps, Marine Corps Air Station Tustin, CA. Asbestos survey data per Harding Lawson Associates. 1997.
- — —. 2002. Draft Final Work Plan-Aboveground Storage Tank (AST) Site 194A/B and Underground Storage Tanks (UST) Site 1 and UST Site 268, Marine Corps Air Station Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. August.
- Kennedy/Jenks Consultants. 1992. Inventory of PCB Items and Equipment at Marine Corps Air Station Tustin, CA. 20 November.

Navy Public Works Center. 1996. Analytical Data Report for PCB in Oil Samples Collected at MCAS Tustin on November 4, 5 and 6, 1996. December.

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United States Department of Defense. 1994a. Memorandum for Secretaries of the Military Departments, from the Deputy Secretary of Defense. Subject: FOST for BRAC Property (with attachments). June.

— — —. 1994b. Asbestos, Lead Paint and Radon Policies at BRAC Properties. Memorandum for Assistant Secretary of the Army (installations, logistics, and environment), Assistant Secretary of the Navy (installations and environment), Assistant Secretary of the Air Force (manpower, reserve affairs, installations, and environment), and Director, Defense Logistics. 31 October.

— — —. 1996. BRAC Cleanup Plan Guidebook. July.

United States Department of the Navy. 1989. Memorandum from T. J. Zagrobelny, Commander, Naval Facilities Engineering Command, referencing U.S. EPA memorandum on disposal requirements for PCB small capacitors. Subject: Disposal of Fluorescent Light Ballasts Containing PCBs.

— — —. 1991. Letter by Earl L. Buffton, Jr., by Directive of the Commandant of the Marine Corps, to the Commanding General, Marine Corps Air Station El Toro, Santa Ana, CA. Subject: Navy Radon Assessment and Mitigation Program Screening Results. May.

— — —. 1999. Final Environmental Impact Statement/Environmental Impact Report for the Disposal and Reuse of the Marine Corps Air Facility Tustin, CA. In conjunction with the City of Tustin. December.

— — —. 2001b. National Environmental Policy Act Record of Decision. March.

— — —. 2002. Finding of Suitability to Lease for Carve-Out Areas 5, 6, 7, 8, 9, 10, and 11 Marine Corps Air Station, Tustin, California. April.

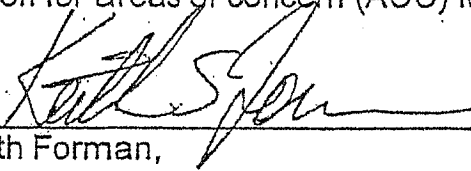
ATTACHMENT 2

**No Further Action Regulatory
Concurrence Letters For AOCs, USTs,
and ASTs Within Transfer Portion of
Parcel 24**

CONCURRENCE SIGNATURE PAGE

CONCURRENCE WITH NO FURTHER ACTION FOR AREAS OF CONCERN MWA-15 AND UST-89 AT MCAS TUSTIN, CALIFORNIA

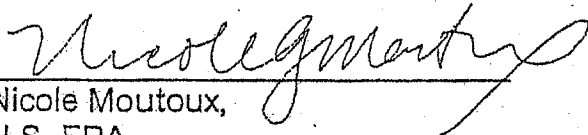
The following members of the BCT concur with the recommendation for no further action for areas of concern (AOC) MWA-15 and UST-89 at MCAS Tustin, California.



Keith Forman,
BRAC Environmental Coordinator

Date:

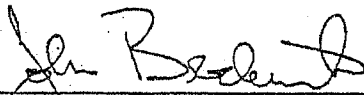
3/29/01



Nicole Moutoux,
U.S. EPA
Project Manager

Date:

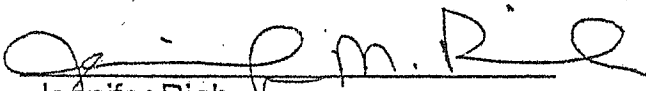
3/29/01



John Broderick,
RWQCB
Project Manager

Date:

3/29/01



Jennifer Rich,
Cal-EPA, DTSC
Project Manager

Date:

3-29-01



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 28, 2000

Mr. Keith Forman, 06CC.KF
BRAC Environmental Coordinator
Marine Corps Air Facility Tustin
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

Re: Record of Decision, OU-2, No Action Sites and Areas of Concern, Marine Corps Air Facility, Tustin, September, 2000

Dear Mr. Forman:

The United States Environmental Protection Agency, Region IX (USEPA) has received and reviewed the Record of Decision for OU-2, No Action Sites and Areas of Concern for the Tustin Marine Corps Air Facility, September, 2000. The Record of Decision (ROD) addresses a number of sites and areas of concern where no remedial action is required to protect human health and the environment.

Since the Marine Corps Air Facility Tustin is not on the National Priorities List, USEPA does not have a formal concurrence role and will not be signing the ROD. However, the USEPA has been an active participant on the team overseeing the environmental investigation, testing and evaluation in support of the remedial work at these sites. The Department of the Navy (DON) has worked in cooperation with the State of California Department of Toxic Substances Control and the Santa Ana Regional Water Quality Control Board as well as with the USEPA in the development of alternatives as well as remedy selection for these sites. We therefore find the ROD sufficient to meet our requirements and are in agreement with the selected remedy for these IR sites.

We wish to thank the Navy for the opportunity to be involved in the work at the Marine Corps Air Facility Tustin. We look forward to working with the Navy and regulatory agencies in the future to insure a thorough cleanup and safe transfer of all DON property comprising the facility.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Meer", is written over a horizontal line.

Daniel A. Meer, Chief
Federal Facilities Branch

Date: 03/14/00

Declaration

Signature: 

Date: 9/21/00

Mr. Keith Forman
Base Realignment and Closure Environmental Coordinator
Marine Corps Air Facility Tucson

Signature: 

Date: 9/26/00

Mr. John E. Scandura, Chief
Southern California Operations
Office of Military Facilities
Department of Toxic Substances Control

Signature: 

Date: 9/29/00

Mr. Gerard Thibeault
Executive Officer
Regional Water Quality Control Board, Santa Ana Region

* OU-2 ROD applies to IRP-2, IRP-9A, IRP-9B, IRP-13E, and
AOCs: AD-04, AS-6, AS-08, AST-02, AST-04, MDA-04,
MDA-07, MMS-D1, and MWA-3..



California Regional Water Quality Control Board

Santa Ana Region

ston H. Hickox
ecretary for
nvironmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288



Gray Davis
Governor

September 28, 2000

Mr. Keith Forman
BRAC Environmental Coordinator
Naval Facilities Engineering Command, SWDIV
1220 Pacific Highway
San Diego, CA 92132-5190

COMMENTS ON TANK REMOVAL AND SITE CLOSURE REPORT, ABOVEGROUND STORAGE TANKS 169/170, MARINE CORPS AIR FACILITY, TUSTIN

Dear Mr. Forman:

We have completed our review of the above-referenced document, dated January 29, 1999, which we received on February 24, 1999. We do not have significant comments on this report, and concur with the recommendation for no further action.

For any questions on this review or related matters, please call me at (909) 782-4494.

Sincerely,

John Broderick
SLIC/DoD/AGT Section

cc: Ms. Jennifer Rich, Department of Toxic Substances Control, OMF
Ms. DeAnna Dunbar, Naval Facility Engineering Command, SWDIV
Ms. Nicole Moutoux, U.S. EPA, Region IX

CONCURRENCE SIGNATURE PAGE

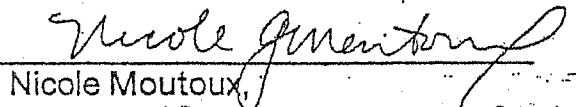
CONCURRENCE WITH NO FURTHER ACTION FOR AREAS OF CONCERN
ST-7, ST-8, ST-21C, ST-21D, ST-21E, ST-21F, ST-79, AND ST-82 AT MCAF TUSTIN,
CALIFORNIA

The following members of the BCT concur with the recommendation for no further action for areas of concern (AOC) ST-7, ST-8, ST-21C, ST-21D, ST-21E, ST-21F, ST-79, and ST-82 at MCAF Tustin, California.


Keith Forman
BRAC Environmental Coordinator

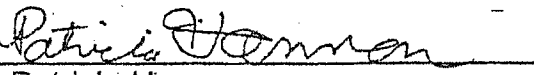
Date:

2/24/00


Nicole Moutoux,
U.S. EPA
Project Manager

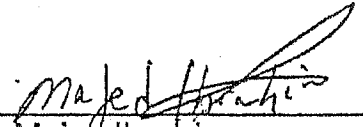
Date:

2/24/00


Patricia Hannon,
RWQCB
Project Manager

Date:

2/24/00


Majed Ibrahim,
Cal-EPA, DTSC
Project Manager


Date:

2/24/2000

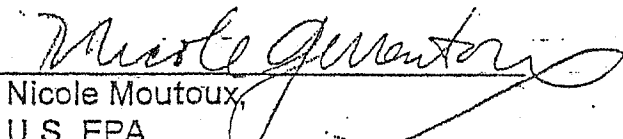
CONCURRENCE SIGNATURE PAGE

CONCURRENCE WITH NO FURTHER ACTION FOR AREAS OF CONCERN MDA-06,
MAE-05, MAE-06, MWA-01, UST-530B, TOW-X1, and TOW-X8 AT MCAF
TUSTIN, CALIFORNIA

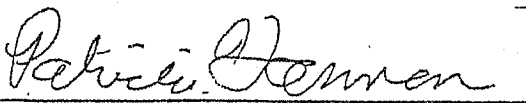
The following members of the BCT concur with the recommendation for no further
action for areas of concern (AOC) MDA-06, MAE-05, MAE-06, MWA-01, UST-530B,
TOW-X1, and TOW-X8 at MCAF Tustin, California.


Keith Forman,
BRAC Environmental Coordinator


Date: 12/9/99


Nicole Moutoux,
U.S. EPA
Project Manager

Date: 12/9/99


Patricia Hannon,
RWQCB
Project Manager

Date: 12/9/99

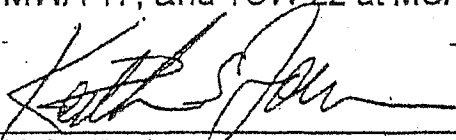

Majed Ibrahim,
Cal-EPA, DTSC
Project Manager

Date: 12/9/1999

CONCURRENCE SIGNATURE PAGE

CONCURRENCE WITH NO FURTHER ACTION FOR AREAS OF CONCERN MWA-06, MDA-10, MWA-09, MWA-16, DSD-05, MWA-17, and TOW-22 AT MCAF TUSTIN, CALIFORNIA

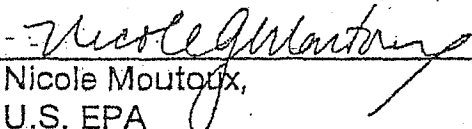
The following members of the BCT concur with the recommendation for no further action for areas of concern (AOC) MWA-06, MDA-10, MWA-09, MWA-16, DSD-05, MWA-17, and TOW-22 at MCAF Tustin, California.



Keith Forman,
BRAC Environmental Coordinator

Date:

10/14/99



Nicole Moutoux,
U.S. EPA
Project Manager

Date:

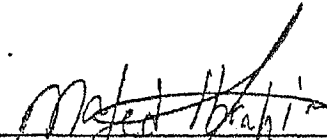
10/14/99



Patricia Hannon,
RWQCB
Project Manager

Date:

OCT 14 1999



Majed Ibrahim,
Cal-EPA, DTSC
Project Manager

Date:

10/14/1999

STATE OF CALIFORNIA—CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

PETE WILSON, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SANTA ANA REGION

7 MAIN STREET, SUITE 500

VERSIDE, CA 92501-9339

PHONE: (909) 782-4130

FAX: (909) 781-8288



January 21, 1998

Mr. Wayne D. Lee
Assistant Chief of Staff
Environment and Safety
Marine Corps Air Station El Toro
P.O. Box 95001
Santa Ana, CA 92709-5001

SITE ASSESSMENT/CLOSURE LETTER REPORT, UST, SITE 66, MARINE CORPS AIR FACILITY TUSTIN

Dear Mr. Lee:

This letter confirms the completion of site investigations and remedial actions for UST Site 66 MCAF Tustin. Based on the information provided in the Site Assessment/Closure Letter Report UST Site 66, Marine Corps Air Station Tustin dated 1/2/98 and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the UST release site 66 is required.

This notice is issued pursuant to a regulation contained in Title 23, Division 3, Chapter 16, Section 2721(e) of the California Code of Regulations.

If you have any questions regarding this matter, please contact Lawrence Vitale at (909) 782-4998.

Sincerely,

Gerard J. Thibeault
Executive Officer

cc: LT. Hope Katcharian, Marine Corps Air Station El Toro
Mr. Bill Diekman, Orange County Health Care Agency
Mr. John Adams Jr., State Water Resources Control Board, Division of Clean Water Programs

STATE OF CALIFORNIA—CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SANTA ANA REGION

1737 MAIN STREET, SUITE 500

RIVERSIDE, CA 92501-3939

PHONE: (909) 782-4130

FAX: (909) 781-6288



October 6, 1997

Mr. Wayne D. Lee
Assistant Chief of Staff
Environment and Safety
Marine Corps Air Station El Toro
P.O. Box 95001
Santa Ana, CA 92709-5001

CASE CLOSURE, FORMER IRP SITE 16B (FUEL FARM, UST AREA) MARINE CORPS AIR STATION TUSTIN

Dear Mr. Lee:

This letter confirms the completion of site investigations and remedial actions at the former IRP site 16B. Based on the information provided in the Site Assessment/Closure Report Former IRP Site 16B dated 9/10/97 and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the former IRP Site 16 release is required.

This notice is issued pursuant to a regulation contained in Title 23, Division 3, Chapter 16, Section 2721(e) of the California Code of Regulations.

If you have any questions regarding this matter, please contact Lawrence Vitale at (909) 782-4998.

Sincerely,

Gerald J. Thibeault
Executive Officer

cc: LT. Hope Katcharian, Marine Corps Air Station El Toro
Mr. Bill Diekman, Orange County Health Care Agency
Mr. John Adams Jr., State Water Resources Control Board, Division of Clean Water Programs

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
1737 MAIN STREET, SUITE 500
RIVERSIDE, CA 92501-3339
PHONE: (909) 782-4130
FAX: (909) 781-6288

March 3, 1997

Mr. Wayne D. Lee
Headquarters
Marine Corps Air Station El Toro
Environmental and Safety
P.O. Box 95001
Santa Ana, CA 92709-5001

SUBJECT: CASE CLOSURE, FORMER UNDERGROUND STORAGE TANK AREA 22,
MARINE CORPS AIR STATION TUSTIN

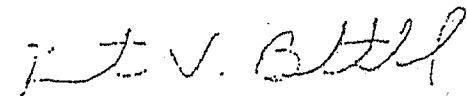
Dear Mr. Lee,

This letter confirms the completion of site investigations and remedial actions for the subject underground storage tank site. Based on the information provided in the Underground Storage Tank Area 22 Closure Report dated 1/17/97, and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to the underground storage tank releases is required.

This notice is issued pursuant to a regulation contained in Title 23, Division 3, Chapter 16, Section 2721(e) of the California Code of Regulations.

If you have any questions regarding this matter, please contact Lawrence Vitale at (909) 782-4998.

Sincerely,



Gerard J. Thibeault
Executive Officer

cc: * LT Hope Katcharian, Marine Corps Air Station El Toro
Mr. Bill Diekman, Orange County Health Care Agency
Mr. John Adams Jr., State Water Resources Control Board, Division of Clean
Water Programs

Conc.

CONCURRENCE SIGNATURE PAGE


CONCURRENCE WITH NO FURTHER ACTION FOR AREAS OF CONCERN
AMS-05, AMS-06, AMS-13, AS-01, AS-02, AS-04, AS-05, AS-07, AST-01, MMS-
02, MWA-23, SAT-14, ST-68, ST-68A, ST-73 and MAE-04A, ST-74, TOW-X5,
and TOW-16, AT MCAS TUSTIN, CALIFORNIA

The following members of the BCT concur with the recommendations for No Further Action for areas of concern (AOCs) AMS-05, AMS-06, AMS-13, AS-01, AS-02, AS-04, AS-05, AS-07, AST-01, MMS-02, MWA-23, SAT-14, ST-68, ST-68A, ST-73 and MAE-04A, ST-74, TOW-X5, and TOW-16 at MCAS Tustin, California:


DESIRE CHANDLER,
BRAC Environmental Coordinator

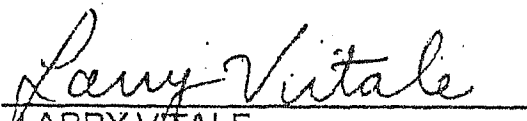
Date:

9/16/96


DAVID HODGES,
U.S. EPA
Project Manager

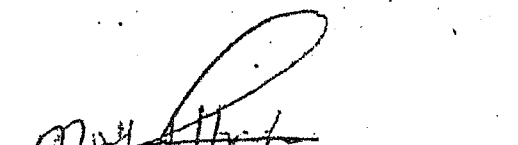
Date:

9/16/96


LARRY VITALE,
RWQCB
Project Manager

Date:

9/16/96


MAJED IBRAHIM
Cal-EPA, DTSC
Project Manager

Date:

9/16/96

ATTACHMENT 3

Hazardous Substances and Petroleum Products Notification Tables

Attachment 3
Hazardous Substances Notification Table

Parcel	AOC	Hazardous Substances*	Date(s) of Storage and/or Operation	Stored (S), Released (R), or Disposed (D)
24	MDA-06	Waste liquids containing petroleum hydrocarbon compounds, PCBs, and heavy metals	Unknown	S
24	MDA-10	Waste liquids containing petroleum hydrocarbon compounds, PCBs, and heavy metals	Unknown	S

Notes:

* Hazardous Substances - Basewide Environmental Baseline Survey, Table F-1 (BNI 2001).

This table was prepared in accordance with 40 CFR 373 and 40 CFR 302.4.

The reported substances are not listed in 40 CFR 302.4, and therefore have no corresponding Chemical Abstracts Services (CAS) number, no regulatory synonyms, no Resource, Conservation and Recovery Act (RCRA) waste numbers, and no reportable quantities.

Acronyms/Abbreviations:

AOC = area of concern

CFR = Code of Federal Regulations

MDA = miscellaneous, potential disposal area

PCB = Polychlorinated biphenyl

Attachment 3
Petroleum Products Notification Table

Parcel	UST/AST or AOC	Petroleum Products*	Date(s) of Storage and/or Operation	Stored (S), Released (R), or Disposed (D)
24	AST 169	JP-5	removed June 22,1998	S
24	AST 170	JP-5	removed June 22,1998	S
24	MWA-17	Oily waste	1940's-1996	R
24	ST-21E	JP-5	unknown-1991	S
24	UST 22A (1,2)	Fuel oil	1942-Nov. 1991	S
24	UST 22B (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22C (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22D (1-4)	Gasoline	1942- Nov. 1991	S
24	UST 22E (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22F (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22G (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22H (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22I (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22J (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22K (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22L (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 22M (1-3)	Gasoline	1942- Nov. 1991	S
24	UST 66	Fuel oil	1944-prior to 1991	S
24	UST 89	Fuel oil	removed Dec. 01, 1999	S

Notes:

* Petroleum Products - Basewide Environmental Baseline Survey, Tables 5-5, 5-6, and F-1 (BNI 2001).

These UST/ ASTs and AOCs contain petroleum products which fall within the scope of the CERCLA petroleum exclusion set forth in CERCLA Section 101(14).

Acronyms/ Abbreviations:

AOC = area of concern

AST = above ground storage tank

DSD =

JP-5 = jet propellant grade 5

MWA = miscellaneous, wash area

ST = storage, temporary

UST = underground storage tank

ATTACHMENT 4

DoD Policies on Asbestos, Lead-Based Paint, and Radon at Base Realignment and Closure Properties

DoD Policies on Asbestos, Lead-Based Paint, and Radon at Base Realignment and Closure Properties (31 October 1994)

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ACQUISITION AND
TECHNOLOGY

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000



31 OCT 1994

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY
(INSTALLATIONS, LOGISTICS & ENVIRONMENT)
ASSISTANT SECRETARY OF THE NAVY
(INSTALLATIONS & ENVIRONMENT)
ASSISTANT SECRETARY OF THE AIR FORCE
(MANPOWER, RESERVE AFFAIRS, INSTALLATIONS &
ENVIRONMENT)
DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Asbestos, Lead Paint and Radon Policies at BRAC Properties

The purpose of this memorandum is to request that you implement the attached Department of Defense (DoD) policies on asbestos, lead paint and radon at base realignment and closure (BRAC) properties.

As you may recall, these policies were drafted and accepted within the Defense Environmental Security Council (DESC) structure. During its May 6, 1994, meeting the DESC accepted the draft DoD policy on radon at BRAC properties. At that meeting, the draft policies on asbestos and lead paint were referred to the Environment, Safety and Occupational Health Policy Board (ESOHPB) for revision and acceptance. During its May 10, 1994, meeting the ESOHPB accepted the revised draft DoD policies on asbestos and lead paint at BRAC properties.

Subsequent to DESC and ESOHPB action, these policies were coordinated formally with the Assistant Secretary of Defense (Economic Security) and the Office of the Deputy General Counsel (Acquisition & Logistics). If there are any questions concerning this request, please contact Ed Dyckman, DESC Executive Secretary at 703-697-9107.

Gary D. Vest
Principal Assistant Deputy Under Secretary
of Defense (Environmental Security)

Attachments

Environmental Security



Defending Our Future

**DOD POLICY ON ASBESTOS
AT BASE REALIGNMENT AND CLOSURE PROPERTIES**

Department of Defense (DoD) policy with regard to asbestos-containing material (ACM) is to manage ACM in a manner protective of human health and the environment, and to comply with all applicable Federal, State, and local laws and regulations governing ACM hazards. Therefore, unless it is determined by competent authority that the ACM in the property does pose a threat to human health at the time of transfer, all property containing ACM will be conveyed, leased, or otherwise disposed of as is through the Base Realignment and Closure (BRAC) process.

Prior to property disposal, all available information on the existence, extent, and condition of ACM shall be incorporated into the Environmental Baseline Survey (EBS) report or other appropriate document to be provided to the transferee. The survey report or document shall include:

- reasonably available information on the type, location, and condition of asbestos in any building or improvement on the property;
- any results of testing for asbestos;
- a description of any asbestos control measures taken for the property;
- any available information on costs or time necessary to remove all or any portion of the remaining ACM; however, special studies or tests to obtain this material are not required; and
- results of a site-specific update of the asbestos inventory performed to revalidate the condition of ACM.

Asbestos-containing material shall be remedied prior to property disposal only if it is of a type and condition that is not in compliance with applicable laws, regulations, and standards; or if it poses a threat to human health at the time of transfer of the property. This remediation should be accomplished by the active Service organization, by the Service disposal agent, or by the transferee under a negotiated requirement of the contract for sale or lease. The remediation discussed above will not be required when the buildings are scheduled for demolition by the transferee; the transfer document prohibits occupation of the buildings prior to the demolition; and the transferee assumes responsibility for the management of any ACM in accordance with applicable laws.

DOD POLICY ON LEAD-BASED PAINT AT BASE REALIGNMENT AND CLOSURE PROPERTIES

Department of Defense (DoD) policy with regard to lead-based paint (LBP) is to manage LBP in a manner protective of human health and the environment, and to comply with all applicable Federal, State, and local laws and regulations governing LBP hazards. The Federal requirements for residential structures/dwellings with LBP on Base Realignment and Closure (BRAC) properties differ, depending on: (1) the date of property transfer; and (2) the date of construction of the residential housing being transferred.

DoD policy is to manage LBP at BRAC installations in accordance with either 24 CFR 35 or P.L. 102-550, at the Service's discretion, until January 1, 1995; and, thereafter, solely in accordance with P.L. 102-550. Residential structures/dwellings are as defined in the applicable regulation and any regulation issued pursuant thereto. The Military Components may apply this policy to any other structures they deem appropriate.

On January 1, 1995, and thereafter, the provisions of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of P.L. 102-550) concerning the transfer of Federal property for residential use take effect. These provisions, codified at (in pertinent part) 42 U.S.C. 4822, 4851-4856, and 15 U.S.C. 2688, are applicable to target housing, which is housing constructed prior to 1978, with limited exceptions for housing for the elderly or persons with disabilities or any 0-bedroom dwelling.

Target housing constructed after 1960 and before 1978 must be inspected for LBP and LBP hazards. The results of the inspection must be provided to prospective purchasers or transferees of BRAC property, identifying the presence of LBP and LBP hazards on a surface-by-surface basis. There is no Federal LBP hazard abatement requirement for such property. In addition, prospective transferees must be provided a lead hazard information pamphlet and the contract for sale or lease must include a lead warning statement.

Target housing constructed before 1960 must be inspected for LBP and LBP hazards, and such hazards must be abated. The results of the LBP inspection will be provided to prospective purchasers or transferees of BRAC property identifying the presence of LBP and LBP hazards on a surface-by-surface basis and a description of the abatement measures taken. In addition, prospective transferees must be provided with a lead hazard information pamphlet and the contract for transfer must include a lead warning statement.

The inspection and abatement discussed above will not be required when the building is scheduled for demolition by the transferee and the transfer document prohibits occupation of the building prior to the demolition; the building is scheduled for non-residential use; or, if the building is scheduled for residential use, the transferee conducts renovation consistent with the regulatory requirements for the abatement of LBP hazards.

Effective January 1, 1995, DoD BRAC properties shall be transferred in accordance with any regulations implementing the Residential Lead-Based Paint Hazard Reduction Act of 1992. The Act also made Federal agencies subject to all Federal, State, interstate, and local substantive and procedural requirements respecting LBP and LBP hazards (see 15 U.S.C. 2688). Therefore, there may be more stringent local requirements applicable to Federal property transfers.

**DOD POLICY ON RADON
AT BASE REALIGNMENT AND CLOSURE PROPERTIES**

In response to concerns with the potential health effects associated with radon exposure, and in accordance with the Indoor Radon Abatement provisions of Subchapter III of the Toxic Substances Control Act, 26 U.S.C. 2661 to 2671, the Department of Defense (DoD) conducted a study to determine radon levels in a representative sample of its buildings. In addition, as part of DoD's voluntary approach to reducing radon exposure, DoD has applied the Environmental Protection Agency (EPA) guidelines for residential structures with regard to remedial actions.

DoD policy is to ensure that any available and relevant radon assessment data pertaining to Base Realignment and Closure (BRAC) property being transferred shall be included in property transfer documents.

DoD policy is not to perform radon assessment and mitigation prior to transfer of BRAC property unless otherwise required by applicable law.

ATTACHMENT 5

Comments/Response to Comments

Response to Comments
Finding of Suitability to Transfer
Marine Corps Air Station Tustin, California

21 July 2002 Comments from: Mr. James Ricks, Remedial Project Manager, US EPA

	SPECIFIC COMMENTS	RESPONSE
1.	Page 1, Purpose 1.0. The draft MCAS Tustin FOST for Portions of Parcel 24, herein referred to as FOST, needs to state the intended reuse of the parcel being transferred. The FOST should also state whether the parcel has been restored to residential or non-residential risk levels.	Page 2, Second to last paragraph of Section 1.0 - The last sentence reads, "The reuse Plan designates the future use of Parcel 24 as Residential (City of Tustin, 1998). The following sentence has been added to the paragraph listed above: "All environmental factors on the portion of Parcel 24 of this FOST has been found suitable for residential reuse."
2.	Page 6, Environmental Factors 6.0. The FOST states that "IRP sites, AOCs, USTs, and ASTs within the CO areas were evaluated ...and it was concluded that contamination (e.g., groundwater plumes) from the CO areas does not pose an unacceptable risk to human health or the environment..." If, indeed, the parcel to be transferred contains contaminated groundwater, then the groundwater contamination needs to address in the FOST, and a determination of 'Operating Properly and Successfully' (OPS) needs to be approved by the USEPA, prior to and as a condition to transfer.	The contaminated areas (groundwater) are located in the Carve-Out (FOSL) areas, not in the transferable (FOST) areas. Therefore, Operating, Properly and Successfully (OPS), is not appropriate in this FOST, but will be included in the Operating and Maintenance Plan (OMP). However, OPS is mentioned in section 5.0 ENVIRONMENTAL BASELINE SURVEY HISTORY AND FINDINGS, third paragraph. No changes will be made to this FOST.
3.	Page 6, Environmental Findings in CO Areas 7.0. This section of the FOST purportedly only " the four sites within the CO areas that have ongoing investigations or cleanups." However, the discussion is confusing. The FOST discusses areas that are not to be transferred and that are being addressed by the FOSLs. The FOST should focus on the parcel being transferred.	The purpose of section 7.0 reporting the environmental factors is to notify the future landowners of the adjacent properties' environmental conditions. However, the section is consistent with FOST 2 and FOST 3. This sentence now reads, "This section provides a summary of the environmental findings within the adjacent properties surrounding on the transfer Portion of Parcel 24 that is the subject of this FOST."
4.	Pages 11-12, Notification - Asbestos-Containing Material [ACM] 8.3.1. The Department of the Navy (DON) must clearly identify the buildings that will be reused and clarify the status of asbestos in those buildings. And if friable asbestos is present, the Navy must abate and/or remove the asbestos prior to transfer.	Section 8.3.1.2 - Buildings Planned For Reuse and Table 7 -Summary of Asbestos Containing Material (ACM) Survey Results in Buildings Within Transfer Portion of Parcel 24, identifies building 247 to be reused according to the City of Tustin Reuse Plan. The status of the asbestos is also identified in these two sections. All buildings surveyed were found to have non-friable ACM. Because the designation of building 247 is to be reused and the last survey was taken in August 2002. No ACM was found during this inspection and therefore, the building will not be restricted from occupancy.

Response to Comments
Finding of Suitability to Transfer
Marine Corps Air Station Tustin, California

	SPECIFIC COMMENTS	RESPONSE
5.	<p>Pages 12-14. Notifications and Restrictions - Lead Base Paint. The FOST states on page 13, Section 8.4.1 that "There are a total of 8 non-residential buildings located within the portions of Parcel 24 considered in this FOST." The document furthers states that four (4) of the buildings (i.e., Buildings 41, 53, 66, 89) will be demolished and three (3) buildings (17T, 228 and 247) that were built after 1978. The document fails to neither identify nor state the status of the eighth building. Moreover, given that the FOST does not identify the reuse of the parcel to be transferred, then the FOST must identify deed restrictions to prevent the parcel from residential use until sampling and any abatement necessary is completed. In addition, if the property is to be reused for residential purposes, the FOST must state that it will comply with the Department of Defense / Environmental Protection Agency (DOD/EPA) LBP Fieldguide, Housing and Urban Development (HUD) regulations and USEPA's TSCA 403 standards.</p>	<p>In section 8.4.1 - Notifications - Lead Based Paint, the following sentence has been added: "Building 17 was previously used as a maintenance and Utility Shop. This building is scheduled for demolition."</p> <p>Section 8.4.2.1 will include building 17. The first sentence will read: "Buildings 17, 41, 53, 66 and 89- Since these buildings were constructed prior to 1978 (when LBP was potentially used) and are scheduled for demolition, use of these buildings is restricted from residential use and children will not be allowed to occupy these buildings. "</p> <p>This FOST identifies the reuse of the portion of Parcel 24 in the second to last paragraph in section 1.0.</p> <p>The second to last paragraph in section 8.4 states that "Demolition of LBP-containing buildings must be performed in accordance with applicable local, state, and federal requirements. Non-residential buildings scheduled for demolition will require post-demolition soil sampling and abatement of soil-lead hazards by the transferee prior to construction or occupation of any new buildings. Buildings, which are scheduled for demolition, may be occupied on an interim basis if the transferee conducts the necessary LBP surveys and abatement in accordance with all local, state, and federal requirements (DoD 1999). " The DOD, EPA LBP field guide, Housing and Urban Development regulations and USEPA's TSCA 403 standards are considered to be "all local, state, and federal requirements" and mentioned in the "Joint DoD/EPA Interim Final: Lead-Based Paint Guidelines for Disposal of Department of Defense Residential Real Property - A Field Guide". The DoD/EPA field guide is used for LBP policy at MCAS Tustin.</p> <p>The deed restrictions are listed in section 8.4.2, Restrictions - Lead Based Paint.</p>

Response Comments
Finding of Suitability to Transfer
Marine Corps Air Station Tustin, California

	SPECIFIC COMMENTS	RESPONSE
6.	Notifications and Restrictions - Pesticides. The FOST does not address the issue of pesticides. The FOST needs to include a discussion of pesticides relative to the parcel.	Pesticides are not an issue with the portion of the parcel 24 that is relative to this FOST. Section 6.0 - ENVIRONMENTAL FINDINGS , last paragraph states: <i>"Environmental factors considered for the portions of Parcel 24 considered in this FOST are listed in Table 5. Only those factors that require notification or restriction are discussed in this document."</i> The pesticides/herbicides applications in Table 5 are checked with a "NO" for Environmental Factors May Pose Restrictions or Require Notifications, since this area was not used for agriculture during base operations. An attachment to these RTCs supplies further information on Pesticides with justification of notification is not necessary.
7.	Page 14, Covenant - Additional Remedial Action. The FOST must include the standard covenant language that states that all necessary remedial action has been taken prior to transfer.	This section will read as follows: "The deed for transfer of parcels on which "any hazardous substance was stored for one year or more, [or] known to have been released, or disposed of..." as a result of former activities conducted by the United States, will include a covenant made pursuant to CERCLA Section 120(h)(3)(A)(ii)(II). The covenant will warrant "that any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States." This covenant will apply to the portion of Parcel 24 considered in this FOST (see Hazardous Substance Notification Table in Attachment 3). This covenant will not apply to any remedial action required on the property that is a result of an act or omission of the transferee that causes a new release of hazardous substances."

Response to Comments
Finding of Suitability to Transfer
Marine Corps Air Station Tustin, California

22 July 2002 Comments from: Ms. Jennifer Rich, Remedial Project Manager, DTSC

	GENERAL COMMENTS	RESPONSE
1.	On numerous pages within FOST #4 the footers are incorrect. Please make the necessary corrections.	The FOST 4 footers were corrected on the appropriate pages.
2.	Any notifications that were included in Finding of Suitability to Lease (FOSL) #3 for Parcel 24 should be included in this FOST (i.e., unexploded ordnance, pesticides, prime/unique farmland, indoor air quality). If the notifications are not applicable to the transfer portion of Parcel 24, then at a minimum, an explanation should be given as to why the notification is not applicable to this FOST.	<p>Unexploded ordnance, pesticides, prime/unique farmland, and indoor air quality are not an issue with the transfer portion of the parcel 24 that is relative to this FOST. Section 6.0 – ENVIRONMENTAL FINDINGS, last paragraph states: “Environmental factors considered for the portions of Parcel 24 considered in this FOST are listed in Table 5. Only those factors that require notification or restriction are discussed in this document.” The Unexploded ordnance, pesticides/herbicides applications, and prime/unique farmland in Table 5 are checked with a “NO” for Environmental Factors May Pose Restrictions or Require Notifications. Indoor air quality was changed to be checked from “YES” to “NO” since indoor air quality is not an issue.</p> <p>Information explaining the reasons of not including the unexploded ordnance, pesticides and prime/unique farmland in this FOST will be attached to the end of these RTCs.</p> <p>Therefore, a notification is not necessary.</p>

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	GENERAL COMMENTS	RESPONSE
3.	In FOSL #3 there was a section on indoor air quality that discussed the various notifications and restrictions associated with carve-out (CO) areas and buildings. Restrictions were put in place for portions of CO-5 and specifically Buildings 228 and 3005T. The BCT agreed that in order to provide for the protection of human health, that the restrictions needed to apply to existing buildings or newly constructed buildings situated above or within 100 feet of areas with VOC groundwater contamination plumes based on configurations at the time of construction and /or above areas with VOC soil contamination. To our knowledge there has been no indoor air monitoring in Buildings 228 or 3005T since the finalization of FOSL #3. What is the basis for the Navy's determination that the buildings can be transferred without any notifications or restrictions? Additionally, it appears from looking at Figure 5 that Building 17 is within 100 feet of the IRP-13S plume. If this is the case, why weren't the indoor air quality restrictions (as outlined in FOSL #3) applied to Building 17 as well?	<p>The time the FOSL #3 was being written, only one plume at the IRP- 13W Site was shown in the draft OU-4 FS. A non-certified mobile lab sampled the other two plumes and therefore they were being decided at the time if any further investigation was needed. The draft final OU-4 FS will show all three plumes. This FOST will be consistent with the draft final OU-4 FS by showing the three plumes. Buildings 228 and 3005T were restricted to be as conservative as possible. However, after reviewing the defined plumes on Figure 4, neither building is within 100 feet of either of the GW plumes. Therefore, no restrictions are necessary. A new section on Indoor Air Quality will not be added, since in the section 1.0 – PURPOSE, the last sentence reads, "This FOST supercedes FOSL 3 for the portion of Parcel 24 that is the subject of this FOST. "</p> <p>The data that was used for the Draft Final FOST 4 was obtained from the Quarterly Groundwater Monitoring of Summer 2000. An updated representation of the IRP-13S plume will be used from the Annual Groundwater Monitoring Report, 2001. This updated plume is depicted in the FOSL 3. The updated IRP-13S plume shown on Figure 4, is not within 100 ft of Building 17, therefore, this building does not require any restrictions. Indoor air restrictions will not be in FOST 4.</p>
4.	Please ensure that any notifications and restrictions that were included in FOSL #3 for Parcel 24 are carried over to this FOST. If the Navy believes that a notification or restriction no longer applies, then that too should be explained in the FOST.	<p>All appropriate notifications and restrictions that were included in the FOSL 3 have been carried over to the FOST 4. Any notifications/restrictions that no longer apply to the FOST 4 will not be added into the document. The FOST 4 supercedes FOSL 3 and therefore does not need to notify of any issues that are not of concern.</p> <p>Information explaining the reasons of not including the unexploded ordnance, pesticides and prime/unique farmland in this FOST will be attached to the end of these RTCs.</p>
5.	In this FOST, please provide a more clear explanation regarding the total acreage of Parcel 24, the number of acres included in FOST #3, the number of acres that will be left in CO-5 (FOSL #3) and the number of acres proposed for transfer in this FOST. As currently written, the acreage breakdown of Parcel 24 is very difficult to follow.	<p>Section 2.1 will be written as follows:</p> <p>"Parcel 24, in its entirety consists of approximately 50 acres and is located in the northern portion of the former MCAS Tustin. Parcel 24 is bordered by Parcel 23 to the north and by portions of Parcel 40 to the east, south, and west. The boundaries of the portion of Parcel 24 considered in this FOST, approximately 16 acres, are depicted on Figure 2."</p>

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	GENERAL COMMENTS	RESPONSE
6.	Why do the figures show a portion of IRP-13E in Parcel 23? Figure 12 in FOST #3 doesn't show IRP-13E being in Parcel 23. Please explain the discrepancy.	At the time the FOSL #3 was being finalized, the boundaries of the parcels were not surveyed. IRP-13E does include a slight portion of Parcel 23 that was not noticeable in the FOSL 3, Figure 6. The extension is noticeable in the detailed map (figure 5) in this FOST 4.
7.	In the figures, Building 17 is shown partially in the "FOST Boundary of Parcel 24" and partially in the "Non-Sale Parcel". Doesn't this pose a problem for the transfer? Please explain.	This does not pose a problem for transfer since the building is designated for demolition. Building 17 is restricted for LBP and subsurface excavation. Subsurface Excavation would include demolition. Before demolition can occur, a Lease Restriction Revision Form will be submitted to the BCT prior to transfer.
8.	Discussing CO areas within CO areas is very confusing and unnecessary. In order to simplify the presentation, the FOST should focus on the portion of Parcel 24 being considered for transfer. A justification for why the Navy believes the property is suitable for transfer should be provided, which would include the potential impacts from adjacent properties. This will require a substantial re-write of various sections of this document. Therefore, DTSC will withhold any further comment on Sections 1.0, 2.1, 5.0, 6.0, 7.0 and 9.0 until the draft final is issued for our review.	The discussions of CO areas within CO areas have been deleted. All appropriate sections have been rewritten.
9.	Anytime the "City of Tustin, Irvine or Santa Ana" is mentioned in the document, please be sure to capitalize the "C" in City.	This request has been changed throughout the document.
10.	Please ensure that the term "former" is used appropriately and consistently throughout the document.	This request has been changed throughout the document, tables and figures.
11.	When discussing "area types", please be consistent and either use all uppercase "Area Types" or all lowercase "area types".	This request has been changed throughout the document.
12.	Since there are no "structures" associated with this FOST, it would be helpful to delete any references to "structures".	This request has been changed throughout the document.
13.	Are there any monitoring wells and/or surface water gauging locations in the transfer portion of Parcel 24 considered in this FOST?	No monitoring wells and/or surface water gauging locations are located in the transfer portion of Parcel 24.

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	GENERAL COMMENTS	RESPONSE
14.	The FOST states that there are (14) Area Type 2 underground storage tanks (USTs) and (2) Area Type 2 aboveground storage tanks (ASTs) which received no further action (NFA) concurrence from the Regional Water Quality Control Board (RWQCB), located on the transfer portion of Parcel 24. Because the RWQCB uses other than risk based clean up standards to make its NFA determinations for UST/AST sites, Section 2.1 should be supplemented with a discussion on past response actions and cleanup standards used for each of the UST/AST sites.	The RWQCB does not require risk-based standards for UST and AST site closures. All site investigations and remedial actions have been completed for the sites that the RWQCB has concurred with the recommendations for closure per the California Code of Regulations. Therefore, no additional discussion is necessary. The Navy understands this is an "Unresolved Comment" and it will be attached to this FOST per the BRIM guidelines.
15.	Please ensure that all shaded areas of the FOST are updated.	All shaded areas will be updated before this FOST is finalized.
16.	Please ensure that site numbers are consistent between text, tables and figures. Currently, consistency is lacking (i.e., AMS-06 vs. AMS-6).	All site numbers have been checked to be consistent between text, tables and figures.
17.	Does there need to be any mention in the FOST that the property is planned for public sale?	No, there is no need to mention that the property is planned for public sale since it is not applicable to determining whether property can be transferred or not.

22 July 2002 Comments from: Ms. Jennifer Rich, Remedial Project Manager, DTSC

	SPECIFIC COMMENTS	RESPONSE
1.	<u>Page iii, Table of Contents, Figures</u> Figure 7 is missing from the document.	Figure 7 may have been omitted from some copies of the draft, however, it will be included in all of the Draft Final
2.	<u>Page iv, Table of Contents, Attachments</u> The alignment needs adjusting. Please correct.	The alignment of the Table of Contents will be adjusted.
3.	<u>Page vi, Acronyms/ Abbreviations (continued)</u> Please include RWQCB in the list. It is first used on page 4 of the document.	RWQCB was added to the acronyms.
4.	<u>Page 2, Section 2.0 Property Description</u> - Paragraph 1, Sentence 4 - Please delete the extra punctuation at the end of the sentence. Paragraph 3, Line 3 - Please insert "the" before "former". Paragraph 3, Last Line - Please clarify what is meant by "maintenance".	The requested comment has been changed. The requested comment has been changed. Maintenance will be defined as any ground keeping maintaining safety and access to areas as well as any equipment maintenance that may be supporting environmental cleanup activities.

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	SPECIFIC COMMENTS	RESPONSE
5.	<p><u>Page 7, Section 8.0 Use Restrictions and Notifications</u></p> <p>Because the RWQCB uses other than risk-based cleanup standards to make its NFA determinations for UST/AST sites, DTSC would like a notification in the deed to inform future land owners of the cleanup criteria used at these sites. Please incorporate a new subsection in Section 8.0 titled "Notification - Underground and Aboveground Storage Tanks."</p> <p>Please include the following statements, "Underground storage tanks (USTs) and Aboveground Storage Tanks (ASTs) have been removed from the transfer portion of Parcel 24. These USTs and ASTs were removed according to standards promulgated by the Regional Water Quality Control Board, Santa Ana (RWQCB). The RWQCB uses water protection standards as its guidelines, in order to protect the quality of surface and subsurface water. These standards do not include a risk-based approach to cleanup and therefore on a case by case basis may not be as protective of human health and the environment as a risk-based approach to cleanup may be."</p> <p>"As a result of the standards utilized in the cleanup at these UST/AST sites, hazardous substances contained in petroleum products may have been left at the sites at levels that are not protective of human health."</p> <p>Paragraph 1, Line 4 - Please insert "of the FOST property" after "use".</p> <p>Paragraph 2 - Please delete because all of the information is included in Section 8.5.</p>	<p>The RWQCB does not require risk-based standards for UST and AST site closures. All site investigations and remedial actions have been completed for the sites that the RWQCB has concurred with the recommendations for closure per the California Code of Regulations. Therefore, no additional discussion is necessary.</p> <p>The Navy understands this is an "Unresolved Comment" and it will be attached to this FOST per the BRIM guidelines.</p> <p>This request has been changed</p> <p>This request has been changed</p>
6.	<p><u>Pages 8 and 9, Section 8.1 Notification - Polychlorinated Biphenyls-</u></p> <p>Paragraph 1, Sentences 2 through 5 - Appears to have been inadvertently taken from FOST #3. Please delete and include any pertinent information related to the portion of Parcel 24 that is the subject of this FOST (see Table 6).</p> <p>Paragraph 2, Line 2 - Please insert a space between "Parcel" and "24".</p>	<p>All unnecessary information has been deleted and replaced with "One transformer was found to have a high PCB level of 311 ppm and was replaced as a corrective action and disposed of as a regulated item. All other known transformers contained less than 50 ppm of PCB and were therefore left in place."</p> <p>This request has been changed.</p>

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	SPECIFIC COMMENTS	RESPONSE
6. (cont.)	<p>Paragraph 4, Sentences 2 through 4 – Please change to read, “Per federal regulations (40 Code of Federal Regulations 761.3), transformers with PCB concentrations less than 50 ppm are classified as non-PCB transformers. However, equipment containing equal to or greater than 50 and less than 500 ppm PCBs is considered PCB-contaminated electrical equipment. PCB-containing equipment may also be subject to State hazardous waste laws regulating PCB waste.” (taken directly from final FOSL #3)</p> <p>Last paragraph, Sentence 1 – Please change to read, “One transformer on the transfer portion of Parcel 24 was replaced due to elevated levels of PCBs.”</p> <p>Last Paragraph, Sentence 2 – Please change to read, “Transformers within the transfer portion of Parcel 24 and had concentrations of PCBs at or less than 27 ppm are still present in the transfer area.”</p> <p>Last Paragraph, Last Sentence – Please delete “lease or”.</p>	<p>The paragraph was changed to reflect the most recent PCB policy. The paragraph now reads, “In 1996, a PCB transformer survey was conducted at MCAS Tustin (PWC 1996). Per federal regulations (40 Code of Federal Regulations 761.3), transformers with PCB concentrations less than 50 ppm are classified as non-PCB transformers. However, equipment containing less than 50 ppm PCBs may be subject to State hazardous waste laws at time of disposal.</p> <p>Transformers within the transfer portion of Parcel 24 that have concentrations of PCBs less than 27 ppm are still present. These transformers are considered non-PCB transformers under federal regulations, however, the transferee must comply with applicable State and local laws at the time of disposal.”</p>
7.	<p><u>Page 9, Section 8.2 Notification – Radon</u></p> <p>Paragraph 2, Line 3 – Please insert a space between “based” and “upon”.</p>	This request has been changed
8.	<p><u>Page 10, Section 8.3 Notifications and Restrictions – Asbestos-Containing Material</u></p> <p>Last line – Figure 7 is missing from the document</p>	Figure 7 may have been omitted from some copies of the draft, however, it will be included in all of the Draft Final
9.	<p><u>Page 11, Section 8.3 Notifications and Restrictions – Asbestos-Containing Material</u></p> <p>Line 3 – Please change “portions” to “portion”</p>	This request has been changed throughout the document.

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	SPECIFIC COMMENTS	RESPONSE
10.	<p><u>Page 11, Section 8.3.1 Notifications - Asbestos-Containing Material</u></p> <p>Line 1 - Please change "portions" to "the transfer portion".</p> <p>Sentences 2 through 4 - It appears that only two of the five ACM surveys mentioned are applicable to the transfer portion of Parcel 24 (i.e., 1988 and 1991). Please delete the other three ACM surveys from the text and Attachment 1 (References).</p>	<p>This request has been changed.</p> <p>This request has been changed.</p>
	<p>Please include the following statement at the end of the paragraph, "To assure full disclosure of all known ACM on the transfer portion of Parcel 24, copies of the ACM survey reports will be included in the transfer documentation." (taken from final FOST #3)</p>	<p>SWDIV does not provide copies the documents. However, DON makes the documents available for copying. Therefore, the following statement will be included at the end of the paragraph: "To assure full disclosure of all known ACM on the transfer portion of Parcel 24, copies of the ACM survey reports will be available at a disclosed location at time of transfer."</p>
11.	<p><u>Page 11, Section 8.3.1.1 Buildings/Structures Planned For Demolition</u></p> <p>The title of this section is inconsistent with the Table of Contents. Please change the title to read, "Buildings/Structures Planned For Demolition Or 'To Be Determined (TBD)'"</p> <p>According to Figure 3, Building 3005T is included in the transfer portion of Parcel 24, but is missing from this section. Please correct the discrepancy.</p>	<p>The title was changed to "BUILDINGS PLANNED FOR DEMOLITION OR "TO BE DETERMINED (TBD)"</p> <p>Building 3005T will be added to the appropriate areas in the text and tables.</p>
12.	<p><u>Page 11, Section 8.3.1.2 Buildings/Structures Potentially Available For Reuse</u></p> <p>The title of this section is inconsistent with the Table of Contents. Please change the title to read, "Buildings/Structures Planned For Reuse".</p> <p>Building 247 - Please change the last line to read, "reported in the roofing and floor tiles."</p>	<p>The title and table of contents was changed to "Building Planned for Reuse"</p>

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	SPECIFIC COMMENTS	RESPONSE
13.	<p><u>Page 12, Section 8.3.2.1 Buildings/Structures Planned For Demolition Or "To Be Determined (TBD)"</u></p> <p>Paragraph 1 - Please delete Building 17T from this paragraph and include in its own paragraph as follows:</p> <p><i>"Building 17T - Since no ACM survey has been conducted, this building is restricted from occupancy prior to demolition. The deed will indicate that the transferee assumes responsibility for the management of ACM, including surveys, removal and/or management of ACM prior to or during demolition, in accordance with applicable laws. Since the building is not designated for reuse, DON is not obligated to conduct an asbestos survey. This building may only be occupied if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements prior to occupancy or renovation."</i> (taken from FOST #3)</p>	<p>The paragraph reads, <i>"Buildings 17T and 3005T - Since no ACM surveys have been conducted, these buildings are restricted from occupancy prior to demolition. The deed will indicate that the transferee assumes responsibility for the management of ACM, including surveys, removal and/or management of ACM prior to or during demolition, in accordance with applicable laws. Since the buildings are not designated for reuse, DON is not obligated to conduct an asbestos survey. These buildings may only be occupied if the transferee conducts the necessary ACM surveys and abatement according to all local, state, and federal requirements prior to occupancy or renovation."</i></p>
	<p>If Building 3005T is included in the transfer portion of Parcel 24 as shown in Figure 3, please include this building in the same paragraph as Building 17T. The EBS (Table B-3) shows that a survey was never conducted at Building 3005T.</p>	<p>This request has been incorporated into the document.</p>
14.	<p><u>Page 12, Buildings/Structures Planned For Reuse</u></p> <p>An ACM survey was conducted in 1991 and determined that non-friable ACM was reported in the roofing and floor tiles. The building is planned for reuse. Since ACM was reported in the interior of the building and the survey is outdated, isn't the Navy required to conduct a new survey? Why haven't restrictions been imposed for this building?</p>	<p>Building 247 was surveyed for FAD ACM in August 2002. No restrictions are necessary since No FAD ACM was detected during this survey.</p>

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	SPECIFIC COMMENTS	RESPONSE
15.	<p><u>Page 12, Section 8.4 Notifications And Restrictions - Lead-Based Paint</u></p> <p>If there are no residential buildings in the transfer portion of Parcel 24, please state that right up front. Also, if no surveys were performed, please state that as well.</p>	<p>The following sentence was added to the end of the second paragraph in section 8.4: "All nine buildings located in the transfer portion of Parcel 24 are non-residential buildings. Therefore, none of the buildings have been surveyed for LBP."</p>
16.	<p><u>Page 13, Section 8.4.1 Notifications - Lead-Based Paint</u></p> <p>Paragraph 1 - Please change the number of non-residential buildings from "8" to "9", if Figure 3 is correct in showing Building 3005T within the FOST boundary of Parcel 24. The Basewide EBS, Appendix C does not show a year of construction for the building. Does the Navy have any other source for determining the year of construction, or whether or not there are any painted surfaces? If the year of construction remains unknown, please make a notification in Section 8.4.1 that the date of construction is unknown and the possibility exists that LBP may be present. If there are no painted surfaces, then the Navy should provide that information as well. Also, in the same paragraph, please change "portions" to "portion".</p> <p><u>Please include Building 17 in this section because it was constructed before 1978.</u></p>	<p>The number of buildings was changed from 8 to 9.</p> <p>No painted surfaces are believed to be on this building since it described to be a "Steel Canopy Over Storage Area". According the to FOSL 3 and the Reuse Plan for the City of Tustin, B3005T was built in 1990.</p> <p>"portions" was changed to "portion".</p> <p>Building 17 was included into section 8.4.1</p>

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	SPECIFIC COMMENTS	RESPONSE
16. (cont.)	<p>Based on the age (pre-1978) of buildings identified in Section 8.4.1 (Note: There is one additional pre-1978 building [17] that should be identified in Section 8.4.1), the DON maintains that LBP may be present on the exterior painted surfaces and may be present in the surrounding environment. (Note: There is one building [3005T] where the date of construction is unknown and the possibility exists that LBP may be present on the exterior painted surfaces and may be present in the surrounding environment.) However, Section 8.4 seems to assert that DON does not intend to evaluate or abate LBP associated with these buildings, now or in the future. The DON maintains that Buildings [17], 41, 53, 66, 89 and [3005T] are non-residential buildings and as such, DON is not responsible for evaluation or abatement of lead in soils surrounding these facilities.</p> <p>The United States Environmental Protection Agency (EPA) and DTSC consider the presence of exterior LBP that has been released to the soil, to pose a potential Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) release to the environment. DON is required to evaluate and address all releases of CERCLA hazardous substances at its facilities, and where property has been transferred under CERCLA 120(h)(3) the DON must covenant that it will perform any remedial action found to be necessary after the date of transfer. In addition, the "DoD Policy on Responsibility for Additional Environmental Cleanup after Transfer of Real Property" (DoD comeback policy) asserts that DoD will typically utilize the Local Redevelopment Authority's reuse plan as the basis for the land use assumptions that DoD will consider during a remedy selection process. Because of the age of the buildings, a potential release to the environment of lead associated with exterior lead-based paint exists, DON should conduct soil sampling to determine whether soils surrounding the above buildings contain lead from LBP at levels which may pose a threat to human health and the environment.</p>	<p>DON recognizes that U.S. EPA and DTSC consider the presence of exterior LBP that has been released to the soil to pose a potential CERCLA release to the environment. However, the U.S. EPA and DoD previously "agreed to disagree" on the question of natural weathering being a release of a CERCLA hazardous substance during negotiations for the joint U.S. EPA/DoD Field Guide. DoD deliberately avoided expressly endorsing or agreeing with the U.S. EPA's position in the Field Guide. The Field Guide also states that, "although EPA concluded that the release of lead to soil from lead-based paint from structures falls within the CERCLA definition of a hazardous substances release, EPA and DoD agree that for the majority of situations involving target housing (and child-occupied facilities), Title X is sufficiently protective to address hazards posed by lead-based paint.</p> <p>The CERCLA liability to evaluate and abate any LBP release/hazards does not apply to DON since DON does not consider the release of LBP by weathering a CERCLA release. The CERCLA warranty for LBP cleanup costs after transfer is not applicable based in the DON's position for releases of LBP through weathering. Any evaluation and abatement of soil-lead hazards at MCAS Tustin for nonresidential buildings and structures will be the responsibility of the future transferee unless DoD policy or generally applicable standards for nonresidential buildings/structures are promulgated after transfer.</p> <p>The Navy understands this is an "Unresolved Comment" and it will be attached to this FOST per the BRIM guidelines.</p> <p>Building 3005T was built in 1990 and does not have an issue with LBP.</p>

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	SPECIFIC COMMENTS	RESPONSE
16. (cont.)	DTSC understands that the DON looks to Title X, the Residential Lead-Based Paint Hazard Reduction Act and the joint DoD/U.S. EPA interim final "Lead-Based Paint Guidelines for Disposal of Department of Defense Residential Real Property - A Field Guide" (December 1999) to address the hazards posed by LBP. DTSC however, has not adopted the joint DoD/U.S. EPA guidelines and its criteria for evaluating LBP hazards. DTSC maintains that lead from LBP is a CERCLA release. Therefore, without site-specific data, DTSC is unable to determine whether, pursuant to CERCLA 120(h)(3), all remedial actions have been taken at the transfer portion of Parcel 24 with respect to potential releases of lead from LBP.	
17.	<u>Pages 13 and 14, Section 8.4.2.1 Nonresidential Buildings/Structures</u> Paragraph 1 - Please include Building 17 because is it was constructed before 1978 and is scheduled for demolition. The prior use for Building 17T is unknown. What was the basis for categorizing the building as non-residential?	Building 17 was added to this section. According to the 1999 Final Building Summary Report Marine Corps Air Facility Tustin, CA, the past use of building 17T was for equipment storage. Equipment Storage would be considered a non-residential building. The text and tables have been be updated.
18.	<u>Page 14, Section 8.5 Notification - Hazardous Substances or Petroleum Products</u> Line 2 - Please change "Part" to "part". Line 3 - Please change "applicable transfer parcels" to "transfer portion of Parcel 24". Line 5 - Please change "boundaries of the portions" to "portion". Please remove the extra space between lines 5 and 6.	All of these changes have been incorporated into the document.
19.	<u>Page 14, Section 8.6 Covenant - Additional Remedial Action</u> Line 7 - Please change "portions" to "portion".	This change has been incorporated into the document.

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	SPECIFIC COMMENTS	RESPONSE
20.	<p><u>Page 14, Section 8.7 Right of Access</u></p> <p>Line 2 - Please change "portions" to "portion".</p> <p>Lines 4 and 5 - Please change "parcels" to "parcel".</p>	<p>These changes have been incorporated into the document.</p>
21.	<p><u>Table 1, Buildings Within Trasfer [sic] Portion of Parcel 24</u></p> <p>There is a typographical error in the title. Please change "Trasfer" to "Transfer".</p> <p>According to Figure 3, Building 3005T is in the transfer portion of Parcel 24. If this is the case, please include Building 3005T in the table. The Basewide EBS, Appendix C, does not show a year of construction for the building. Does the Navy have any other source for determining the year of construction?</p> <p>Building 17T - This building is not included in Appendix C of the Basewide EBS. Please cite the correct reference for the "Year Built" in the "Notes" section of this table. Since the "Prior Use" of the building is unknown, what was the basis for categorizing the building as non-residential? Please list the "Total Area" as "Unknown".</p> <p>Building 41 - Please list the "Prior Use" as "Storage/Warehouse" (see Basewide EBS, Appendix C).</p> <p>Building 228 - The "Total Area" listed is incorrect. Please change to "3,150" (see Basewide EBS, Appendix C).</p> <p>Notes: - In note's a and c, please change the reference from "BNI 2001a" to "BNI 2001" to remain consistent with Attachment 1, References.</p>	<p>This change has been incorporated into the document.</p> <p>Building 3005T will be included in Table 1. The Reuse Plan for the City of Tustin was used as a source for the year the building was built (1990).</p> <p>Building 17 T was surveyed and listed in the Final Building Summary Report, MCAS, Tustin, CA, May 1999. It was built in 1990, total area is 500 sq ft and its prior use was for equipment storage, therefore would be considered to be a non-residential building. The reference was incorporated into the table 1 and Attachment 1.</p> <p>This change has been incorporated into the document.</p> <p>This change has been incorporated into the document.</p> <p>This change has been incorporated into the document.</p>
22.	<p><u>Table 2, Areas of Concern Within Transfer Portion of Parcel 24</u></p> <p>Is DSD-06 in the transfer portion of Parcel 24?</p> <p>Notes: - In note's a and b, please change the reference from "BNI 2001a" to "BNI 2001" to remain consistent with Attachment 1, References.</p>	<p>No, DSD-06 is located south of Bldg 66, which is located in the UST-268 portion of CO-5.</p>

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	SPECIFIC COMMENTS	RESPONSE
23.	<p><u>Table 3, Former UST/AST Sites Within Transfer Portion of Parcel 24</u></p> <p>Notes: - In note's a and b, please change the reference from "BNI 2001a" to "BNI 2001" to remain consistent with Attachment 1, References.</p>	This change has been incorporated into the document.
24.	<p><u>Table 5, Environmental Factors Considered - Transfer Portion of Parcel 24</u></p> <p>Please update the table to be consistent with Section 8.0, Use Restrictions And Notifications.</p>	Indoor air was changed from "Yes" to "No".
25.	<p><u>Table 6, Summary of PCB Transformer Survey and PCB Equipment Inspection Results in Buildings Within Transfer Portion of Parcel 24</u></p> <p>In order to be consistent with the text, please change "Removed" to "Replaced" in the "Corrective Action" column for B 41.</p> <p>According to Figure 3, Building 3005T is in the transfer portion of Parcel 24. If this is the case, please include Building 3005T in the table.</p> <p>Notes: - Please change the reference from "BNI 2001a" to "BNI 2001" to remain consistent with Attachment 1, References.</p>	<p>This change has been incorporated into the document.</p> <p>This change has been incorporated into the document.</p> <p>This change has been incorporated into the document.</p>
26.	<p><u>Table 7, Summary of ACM Survey Results in Buildings Within Transfer Portion of Parcel 24</u></p> <p>According to Figure 3, Building 3005T is in the transfer portion of Parcel 24. If this is the case, please include Building 3005T in the table.</p> <p>Notes: - In note number 1, please change the reference from "BNI 2001a" to "BNI 2001" to remain consistent with Attachment 1, References.</p>	<p>This change has been incorporated into the document.</p> <p>This change has been incorporated into the document.</p>
27.	<p><u>Table 8, Notifications and Restrictions Summary for Transfer Portion of Parcel 24</u></p> <p>Please update to reflect changes in text.</p>	This change has been incorporated into the document.
28.	<p><u>Figure 4, AOCs and UST/AST Sites Within Transfer Portion of Parcel 24</u></p> <p>It is unnecessary and confusing to label the "non-sale parcel" (i.e., IRP-13W, IRP-13S, UST-268, IRP-16).</p>	All figures have been condensed and have been changed significantly. "Non-Sale parcel" is no longer used.

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	SPECIFIC COMMENTS	RESPONSE
29	<p><u>Figure 5, Installation Restoration Program Sites 13E, 13S, 13W, and 16</u></p> <p>Please also show the contamination from IRP Sites 11, 12, MTBE plume and the mingled plumes.</p> <p>Were the IRP site boundaries (surface and groundwater) taken from the most current data available?</p>	<p>All figures have been consolidated. IRP sites 11, 12, MTBE plume and the mingled plumes will be added to figure 4 - Installation Restoration Program Sites 13E, 13S, 13W and 16. The title will be "Installation Restoration Program Sites 13E (NFA), 13S, 13W and 16 (and adjacent properties)"</p> <p>Yes, the IRP site boundaries were taken from the most current data available.</p>
30.	<p><u>Figure 6, Underground Storage Tanks Within Parcel 24</u></p> <p>Please change the title to read, "Underground Storage Tanks Within a Portion of Parcel 24". The entire parcel is not shown on this figure.</p> <p>FOSL #3 refers to UST-47, not UST-47A as shown in this figure. Please make any necessary corrections.</p>	<p>Because the figures have all been consolidated, Figure 3 has the title of "Buildings, former AOCs and UST/AST sites within a portion of Parcel 24"</p> <p>The figure will be changed to UST-47.</p>
31.	<p><u>Attachment 3, Hazardous Substances Notification Table</u></p> <p>Why does the "Hazardous Substances" column show "Unknown hazardous materials"? The Basewide EBS, Table F-1, shows "waste liquids containing petroleum hydrocarbon compounds, PCBs and heavy metals" for both of the AOCs listed in this attachment. Please make any necessary changes.</p> <p>The Petroleum Products Notification Table is listed as "Attachment 5" and should be listed as "Attachment 3". Please make the correction.</p>	<p>These changes have been incorporated into the Attachment 3.</p> <p>This change has been incorporated.</p>

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18 July 2002 Comments from: Ms. Patricia Hannon, Remedial Project Manager, RWQCB, Santa Ana Region (Comments given verbally after July 18, 2002 BCT meeting)

	SPECIFIC COMMENTS	RESPONSE
1.	Page 7, 7.0 Environmental Findings in CO Areas, Fifth Paragraph. Why do we mention both UST-268 and UST-18A/B? What is the history of this area?	Although UST 18A/B are clean, they are located in the same vicinity. Therefore, UST 18A/B can only be closed after UST 268 is determined to be NFA.
2.	Table 3 – Former UST/AST Sites Within Transfer Portion of Parcel 24. Please change the title on pages 2 of 3 and 3 of 3 to be consistent with the first page to read, "Former UST/AST Sites Within Transfer Portion of Parcel 24".	This change has been incorporated into the table.
3.	Figure 6 – Please add the ASTs in green for NFA.	The color of the two ASTs will be changed to green and they will be added to the legend. Also, the title will be changed to read, "UST/AST within a portion of Parcel 24".

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25 August 2002 Comments on Draft Final FOST from: Mr. James Ricks, Remedial Project Manager, US EPA

	GENERAL COMMENTS	RESPONSE
1.	In general, most of EPA's concerns have been answered save RTC number 7 (See discussion under Specific Comments- Number 4) which addresses the (CERCLA), Section 120 (h)(3) covenant.	Response addressed in Specific Comment #4.
2.	The subject draft final FOST document still does not present the supporting property transfer documentation in a manner that is clear and coherent. The FOST's extensive discussion that focuses on the property that will be excluded overshadows and, at times, obfuscates the discussion concerning the property the DON has concluded is "environmentally suitable to transfer by deed..." The point of departure for the subject FOST should coherently and clearly focus primarily on identifying candidate parcels for transfer and documenting the environmental basis for suitability to transfer. Discussions relative to property that will be excluded and the reasons for exclusion (viz., buffer zones, on-going cleanup, further investigation) should be cogent and coherent. In sum, the reader of any FOST should be able to readily discern the basis for a decision to transfer (or not transfer) property. From the DON's perspective and that of the BRAC Cleanup Team (BCT) as well, the rationale for decision-making should be transparent to the public.	The Final Version has been rewritten to address the concerns mentioned. A strikeout version will be sent you electronically to show the corrections and clarifications.
3.	The subject FOST's readability could also benefit from additional proof reading and editorial review. For example, there are several inconsistencies between text and tables (e.g., Section 8 "Use Restrictions and Notifications,") as well as replications in other sections of the document (Figures 4 and 6 appear identical yet are given different titles) without explanations.	FOST 4 will receive an additional attention to detail in an extra proof-reading review. Many of the figures have been condensed into the same map to eliminate any future confusion.

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25 August 2002 Comments on Draft Final FOST from: Mr. James Ricks, Remedial Project Manager, US EPA

	SPECIFIC COMMENTS	RESPONSE
1.	<p>Pages 7. Section 7.0 "Environmental Findings in CO Areas," first and second full paragraphs. This section describes the environmental condition of properties theare adjacent carved-out (CO) areas. Among these sites in these CO areas are several underground storage tanks (USTs) and aboveground storage tanks (ASTs) which are depicted in Figures 4 and 6. Although these figures are entitled "AOCs and UST/AST Sites Within Transfer Portion of Parcel 24," and "Underground and Aboveground Storage Tanks Within a Portion of Parcel 24," respectively, they are identical in depiction. The DON should explain this replication of figures.</p>	<p>These two maps have been incorporated into one map instead of two. The title of the map reads, "Buildings, AOCs, and UST/AST Sites Within a Portion of Parcel 24."</p> <p>"Underground and Aboveground Storage Tanks Within a Portion of Parcel 24" depicts the USTs still under investigation (in red), which is located on an area not to be transferred. The other figure only shows USTs that have been approved for NFA (and can be transferred). However, due to the confusion, these maps are now in the same figure.</p>
2.	<p>Page 7. Section 8.0 "Use Restrictions and Notifications." This section describes the restrictions that will be imposed and listed in the deed due to "environmental conditions that may warrant restrictions on certain... post-transfer use of the FOST." The text notes that Table 5 "Environmental Factors Considered-Transfer Portions of Parcel 24," identifies the environmental factors considered. In evaluating the use restrictions and notifications section, EPA compared Table 5 with the information presented in Table 8 "Notification and Restrictions Summary for Transfer Portion of Parcel 24." The Agency's review identified an inconsistency relative to "groundwater use/subsurface excavation." The DON needs to explain this inconsistency.</p>	<p>Table 5 and Table 8 have been changed to be consistent with each other.</p> <p>"Petroleum Products" will be added to Table 8 in the same text box as "Hazardous Substances" since they are both in section 8.5. Petroleum Products do need to be notified for the USTs that have received NFA for the transfer section.</p> <p>In Table 5, Groundwater use/subsurface excavation will be changed from "Yes" to "No" for "Environmental Factors May Pose Restrictions or Require Notifications". Groundwater Use/Subsurface Excavation does not have any notifications or restrictions since no VOC-contaminated groundwater plumes exist beneath the transfer portion of Parcel 24. (see section 4.12 of FOSL 3)</p>

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	SPECIFIC COMMENTS	RESPONSE
3.	<p>Page 11 and 12, Section 8.3.2.1. " Buildings Planned for Demolition ...," Building 17 and 41 and Building 17T. These sections describe the DON's intent to essentially divide Building 17 into two segments. One part of the building will be restricted (located in the adjacent CO area) while the other part (in the portion of Parcel 24 subject to this FOST) will be unrestricted. The feasibility and the rational of this intended approach for Building 17 by the DON appear to the EPA to be neither pragmatic nor enforceable. In the absence of further explanation, the Agency recommends that the DON restrict the entire building.</p>	<p>Thank you for this recommendation.</p> <p>However, more recent Groundwater data is available to use. The data that was used for the Draft Final FOST 4 was obtained from the Quarterly Groundwater Monitoring of Summer 2000. An updated representation of the plume will be used from the Annual Groundwater Monitoring Report, 2001. With the plume not being 100 ft within Building 17, this building does not require any restrictions. The restrictions will be deleted from FOST 4.</p>
4.	<p>RTC Number 7. CERCLA Section 120(h)(3)(A) Covenant- Additional Remedial Action. The DON's response to EPA's comment is not acceptable. The FOST must include the standard covenant language that states that all necessary remedial action has been taken prior to transfer. The DON's response that "A determination that no remedial action is required based on the review of appropriate environmental documentation related to the property to be transferred," seems to contradict the information in Table 2 "Areas of Concern Within Transfer Portion of Parcel 24." This table describes several soil removal remedial response actions that have been taken by the DON. Therefore, the 120(h)(3)(A) covenant must be included in the FOST and as follows:</p> <p><i>"A covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of transfer, and any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States."</i></p>	<p>The sentence, "A determination that no remedial action is required based on the review of appropriate environmental documentation related to the property to be transferred" will be deleted.</p> <p>The section now reads, "The deed for transfer of parcels on which "any hazardous substance was stored for one year or more, known to have been released, or disposed of..." as a result of former activities conducted by the United States, will include a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of transfer made pursuant to CERCLA Section 120(h)(3)(A)(ii)(II). The covenant will also warrant "that any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States." This covenant will apply to the portion of Parcel 24 considered in this FOST (see Hazardous Substance Notification Table in Attachment 3). This covenant will not apply to any remedial action required on the property that is a result of an act or omission of the transferee that causes a new release of hazardous substances."</p>

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22 August 2002 Comments on Draft Final FOST from: Ms. Jennifer Rich, Remedial Project Manager, DTSC & Mr. Bob Elliott, Staff Counsel, DTSC

	GENERAL COMMENTS	RESPONSE
1.	<p>As was discussed and agreed to in the August 6, 2002 conference call, please provide an explanation as to why there are no notifications in this FOST for unexploded ordnance, pesticides and prime/unique farmland. This information was provided to the BRAC Cleanup Team (BCT) at a meeting on July 18, 2002. However, since there were originally notifications for unexploded ordnance, pesticides and prime/unique farmland in FOSL #3 for Parcel 24, it is important to document, for the record, why the notifications are not necessary for the portion of Parcel 24 considered in this FOST. By having the information in the RTCs (as a response to DTSC's General Comment 2), which will be included as an attachment to the final FOST, the information will be well documented in the appropriate location.</p> <p>In addition to notifications for unexploded ordnance, pesticides and prime/unique farmland there was also a notification/restriction for groundwater use/subsurface excavation for Parcel 24 in FOSL #3. Section 8 and Table 8 in FOST #4 do not contain notifications/restrictions for groundwater use/subsurface excavation, however, Table 5 shows that groundwater use/subsurface excavation may pose restrictions or require notification. Please explain the inconsistency. If the Navy does not intend to have a notification/restriction for groundwater use/subsurface excavation for the portion of Parcel 24 considered in this FOST, the Navy needs to explain, in the RTCs, why the notification/restriction is no longer necessary.</p>	<p>As discussed previously, information explaining the reasons of not including the unexploded ordnance, pesticides and prime/unique farmland in FOST will be attached to the end of these RTCs. The attachments will include figures.</p> <p>In Table 5, Groundwater use/subsurface excavation will be changed from "Yes" to "No" for "Environmental Factors May Pose Restrictions or Require Notifications".</p> <p>Groundwater Use/Subsurface Excavation does not have any notifications or restrictions since no VOC-contaminated groundwater plumes exist beneath the transfer portion of Parcel 24. (see section 4.12 of FOSL 3)</p>
2.	<p>Please ensure that the Table of Contents in the Final FOST is consistent with the rest of the document. Currently, there are errors in a few titles and a page number.</p>	<p>The Table of Contents will be consistent with the rest of the document.</p>

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	GENERAL COMMENTS	RESPONSE
3.	Currently, there are two figures (4 and 6) that show USTs and ASTs within the transfer portion of Parcel 24. Is the duplication necessary?	The two figures will be combined to be in the same figure.
4.	Please correct the alignment and spacing errors throughout the document.	The alignment and spacing will be corrected throughout the document.
5.	Please ensure consistency between Section 8, Table 5 and Table 8.	Section 8, Table 5 and Table 8 will be consistent.

22 August 2002 Comments on Draft Final FOST from: Ms. Jennifer Rich, Remedial Project Manager, DTSC

	SPECIFIC COMMENTS	RESPONSE
1.	<u>Page iv, Acronyms/Abbreviations</u> Please include "OPS" in the list. It is first used on page 5 of the document.	OPS is added on the acronyms page.
2.	<u>Page 8, Section 8.1 Notification - Polychlorinated Biphenyls</u> Paragraph 1, Line 5 - Please change to read, "transformers contained less than 50 ppm of PCBs and were therefore left in place." Paragraph 1, Line 6 - Please begin a new paragraph starting with "Fluorescent light fixtures..." Paragraph 3, Line 7 - Please begin a new paragraph starting with "One transformer on the transfer portion..." Also, please change "parcel 24" to "Parcel 24". Paragraph 3, Line 9 - Please change to read, "Parcel 24 that had concentrations of PCBs at or less than 27 ppm are still present in the "	The requested change has been incorporated into the document The requested change has been incorporated into the document. "These paragraphs have been updated to show more accurate information regarding the PCB policies. The two paragraphs now read: "In 1996, a PCB transformer survey was conducted at MCAS Tustin (PWC 1996). Per federal regulations (40 Code of Federal Regulations 761.3), transformers with PCB concentrations less than 50 ppm are classified as non-PCB transformers. However, equipment containing less than 50 ppm PCBs may be subject to State hazardous waste laws at time of disposal.

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	SPECIFIC COMMENTS	RESPONSE
2. (cont.)		"Transformers within the transfer portion of Parcel 24 that have concentrations of PCBs less than 27 ppm are still present. These transformers are considered non-PCB transformers under federal regulations, however, the transferee must comply with applicable State and local laws at the time of disposal."
3.	<p><u>Page 10, Section 8.3.1 Notifications - Asbestos-Containing Material</u></p> <p>Line 4 - Please delete the comma after "1988", then insert "and" between "1988" and "December".</p>	The requested change has been incorporated into the document.
4.	<p><u>Pages 10 and 11, Section 8.3.1.1 Buildings Planned For Demolition Or "To Be Determined (TBD)"</u></p> <p>Please insert a space between "8.3.1.1" and "Buildings" in the title.</p> <p>Building 3005T - The following should not be in boldface type: "was built in 1990. No ACM surveys were ever performed." Please correct.</p>	<p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p>
5.	<p><u>Page 11, Section 8.3.1.2 Building Planned For Reuse</u></p> <p>In the title, please insert a space between "Building" and "Planned".</p> <p>Last Line - Please delete the comma and insert "and" between "roofing" and "floor tiles".</p>	<p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p>

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	SPECIFIC COMMENTS	RESPONSE
6.	<p data-bbox="233 269 1056 334"><u>Pages 11 and 12, Section 8.3.2.1, Buildings Planned For Demolition Or "To Be Determined (TBD)"</u></p> <p data-bbox="233 367 1003 399">Paragraph 1, Line 1 - Please insert "and" between "89" and "228".</p> <p data-bbox="233 431 1073 529">Paragraph 2, Line 1 - Please delete the hyphen before "Building" and insert a hyphen between "41" and "Since". Please change "Building 17 and 41" to "Buildings 17 and 41".</p> <p data-bbox="233 561 1083 626">Paragraph 3, Line 1 - Please change "Building 17T, 3005T" to "Buildings 17T and 3005T".</p> <p data-bbox="233 659 1035 691">Paragraph 3, Line 5 - Please change "building is" to "buildings are".</p> <p data-bbox="233 724 1073 789">Paragraph 3, Line 6 - Please change "conduct an asbestos survey. This" to "conduct asbestos surveys. These".</p> <p data-bbox="233 821 968 854">Paragraph 3, Line 7 - Please change "building" to "buildings".</p>	<p data-bbox="1125 367 1875 399">The requested change has been incorporated into the document</p> <p data-bbox="1125 464 1875 496">The requested change has been incorporated into the document</p> <p data-bbox="1125 561 1875 594">The requested change has been incorporated into the document</p> <p data-bbox="1125 659 1875 691">The requested change has been incorporated into the document</p> <p data-bbox="1125 756 1875 789">The requested change has been incorporated into the document</p> <p data-bbox="1125 805 1875 837">The requested change has been incorporated into the document</p>

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	SPECIFIC COMMENTS	RESPONSE
7.	<p><u>Page 12, Section 8.3.2.2 Buildings Planned For Reuse</u></p> <p>In the title, please change "Buildings" to "Building".</p> <p>Line 1 - Please change "these buildings" to "this building".</p> <p>Line 4 - Please insert "ACM" between "FAD" and "is".</p> <p>Please place a period at the end of the last sentence.</p> <p>Please be sure to include, in the final FOST (text and tables), the information from the resurvey and any restrictions for Building 247.</p>	<p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p> <p>This information will be included.</p>
8.	<p><u>Page 13, Section 8.4 Notifications And Restrictions - Lead-Based Paint</u></p> <p>Line 1 - Please delete "construction or".</p>	<p>The requested change has been incorporated into the document</p>
9.	<p><u>Page 13, Section 8.4.1 Notifications - Lead-Based Paint</u></p> <p>Line 1 - Please move "There" over to the left one space.</p>	<p>The requested change has been incorporated into the document</p>
10.	<p><u>Pages 13 and 14, Section 8.4.2.1 Nonresidential Buildings</u></p> <p>Paragraph 2, Line 1 - Please include Building 3005T. According to Table 1, the Building was constructed in 1990.</p>	<p>The requested change has been incorporated into the document</p>
11.	<p><u>Page 14, Section 8.6 Covenant - Additional Remedial Action</u></p> <p>Sentence 4 - DTSC does not agree with this statement due to potential lead-based paint (LBP) issues.</p>	<p>LBP will be discussed in the unresolved comments.</p>

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	SPECIFIC COMMENTS	RESPONSE
12.	<p><u>Table 1, Buildings Within Transfer Portion of Parcel 24</u></p> <p>Please note, somewhere in the table, that only a portion of Building 17 is within the transfer portion of Parcel 24.</p> <p>Building 3005T - The proposed disposition is listed as "Reuse", however, the rest of the document lists the proposed disposition as "demolition" or "TBD". Please make the necessary correction(s).</p> <p>Notes d, e, and f - Please list the appropriate references (i.e., (City of Tustin1998)).</p>	<p>The tables will reflect that a portion of Building 17 is located in the transfer portion of Parcel 24.</p>
13.	<p><u>Table 5, Environmental Factors Considered - Transfer Portion of Parcel 24</u></p> <p>Please see General Comment #s 1 (groundwater use/subsurface excavation) and 5 above.</p>	<p>In Table 5, Groundwater use/subsurface excavation will be changed from "Yes" to "No" for "Environmental Factors May Pose Restrictions or Require Notifications".</p> <p>Groundwater Use/Subsurface Excavation does not have any notifications or restrictions since no VOC-contaminated groundwater plumes exist beneath the transfer portion of Parcel 24. (see section 4.12 of FOSL 3)</p>
14.	<p><u>Table 6, Summary of PCB Transformer Survey and PCB Equipment Inspection Results in Buildings Within Transfer Portion of Parcel 24</u></p> <p>Building 3005T - The information listed is not consistent with the Basewide EBS. In order to make this table consistent with the Basewide EBS, please change "NA" to "No" in the column labeled "PCB Equipment Inspection Performed" and change "No" to "NA" in the column labeled "PCB Containing Equipment Present".</p>	<p>The requested change has been incorporated into the document</p>

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	SPECIFIC COMMENTS	RESPONSE
15.	<p><u>Table 7, Summary of ACM Survey Results in Buildings Within Transfer Portion of Parcel 24</u></p> <p>Note 3 - Please list the appropriate reference (i.e., (BNI 1999)).</p>	The requested change has been incorporated into the document
16.	<p><u>Table 8, Notifications and Restrictions Summary for Transfer Portion of Parcel 24</u></p> <p>Please see Specific Comment #5 from DTSC letter to Navy dated July 22, 2002 regarding notification for USTs/ASTs.</p> <p>Please change the "Hazardous Substances" column to "Hazardous Substances or Petroleum Products".</p> <p>Please see General Comment #s 1 and 5 above.</p> <p>Please see Specific Comment #24 (Building 17) below.</p>	<p>The RWQCB does not require risk-based standards for UST and AST site closures. All site investigations and remedial actions have been completed for the sites that the RWQCB has concurred with the recommendations for closure per the California Code of Regulations. Therefore, no restrictions are necessary.</p> <p>The requested change has been incorporated into the document</p> <p>Please see response to General Comments 1 and 5.</p> <p>Please see response to Specific Comment #24.</p>
17.	<p><u>Figure 2, Transfer Property Location Map</u></p> <p>In comparing this figure to Figure 2 in FOST #3, there appear to be some differences. Some of the buildings/structures that were shown on the previous figure are no longer shown in this figure for FOST #4, for example, the mooring pad associated with Parcels 23 and 24. Please explain the differences between the two figures and make any necessary changes. There are also areas in the figure that are extremely light in color and difficult to decipher. Please darken those areas.</p>	Any areas in the Transfer Portion of Parcel 24 discussed in this FOST will be darkened, including the mooring pads. FOST 3 figures were completed by a different contractor and therefore have slightly different figures. The differences will be corrected.

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	SPECIFIC COMMENTS	RESPONSE
18.	<p><u>Figure 3, Buildings Within Transfer Portion of Parcel 24</u></p> <p>Please change the color of IRP-13E from grey to purple. It should be shown in purple as a portion of Parcel 24 subject to this FOST. The portion of IRP-13E that is located in Parcel 23 should be changed from grey to yellow (FOST #3). IRP-13W, IRP-13S, UST-268 and IRP-16 should be changed from peach to yellow/gold (FOST#3). It is also unnecessary to label the IRP, UST and AST sites in this figure. This figure is supposed to be focusing on the buildings within the transfer portion of Parcel 24.</p>	<p>IRP-13E will be changed to purple in Figure 4.</p> <p>IRP-13W, IRP-13S, UST-268 and IRP-16 will be the same color.</p> <p>IRP-13W, IRP-13S, UST-268 and IRP-16 will be deleted from the new figure 3, which shows the buildings, AOCs and UST/AST sites in one figure.</p>
19.	<p><u>Figure 4, AOCs and UST/AST Sites Within Transfer Portion of Parcel 24</u></p> <p>Please change the color of IRP-13E from grey to purple. It should be shown in purple as a portion of Parcel 24 subject to this FOST. The portion of IRP-13E that is located in Parcel 23 should be changed from grey to yellow (FOST #3). IRP-13W, IRP-13S, UST-268 and IRP-16 should be changed from peach to yellow/gold (FOST#3). It is also unnecessary to label the IRP sites in this figure. This figure is supposed to be focusing on the AOC and UST/AST sites within the transfer portion of Parcel 24.</p> <p>In the legend, please insert "(NFA)" after "AREA OF CONCERN".</p>	<p>IRP-13W, IRP-13S, UST-268 and IRP-16 will be the same color.</p> <p>IRP-13W, IRP-13S, UST-268 and IRP-16 will be deleted from the new figure 3, which shows the buildings, AOCs and UST/AST sites in one figure.</p> <p>NFA will be added into the legend.</p>

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	SPECIFIC COMMENTS	RESPONSE
20.	<p><u>Figure 5, Installation Restoration Program Sites 13E, 13S, 13W, and 16 (and adjacent property)</u></p> <p>IRP-13W, IRP-13S, UST-268 and IRP-16 should be changed from peach to yellow/gold (FOSL#3).</p> <p>Please ensure that the groundwater plumes shown in this figure are based on the most current data available. At the BCT meeting held on August 13, 2002, a presentation was given (Draft 2001 Annual Groundwater Monitoring Report Summary). We were told that the figures used for the presentation were based on the most current data available. The figures from the presentation are not consistent with this figure. Please explain and make the necessary changes.</p> <p>Why does this figure show three groundwater plumes associated with IRP-13W? This is inconsistent with the OU-4 FFS (Figure 1-15). Please explain and make the necessary changes.</p>	<p>IRP-13W, IRP-13S, UST-268 and IRP-16 will be the same color.</p> <p>The data that was used for the Draft Final FOST 4 was obtained from the Quarterly Groundwater Monitoring of Summer 2000. An updated representation of the plumes will be used from the Annual Groundwater Monitoring Report, 2001. The corrected plumes include IRP-13S and IRP-12. Recent data shows both plumes being smaller than shown in Figure 4.</p> <p>Although only one plume is shown in the draft OU-4 FS, all three will be presented on the next draft. Therefore, all three plumes will remain in FOST 4. A mobile lab sampled the two smaller plumes to the East, but the areas will continue to be under investigation.</p>
21.	<p><u>Figure 6, Underground and Aboveground Storage Tanks Within a Portion of Parcel 24</u></p> <p>Please change the color of IRP-13E from grey to purple. It should be shown in purple as a portion of Parcel 24 subject to this FOST. The portion of IRP-13E that is located in Parcel 23 should be changed from grey to yellow (FOST #3). IRP-13W, IRP-13S, UST-268 and IRP-16 should be changed from peach to yellow/gold (FOSL#3). It is also unnecessary to label the IRP sites in this figure. This figure is supposed to be focusing on the UST/AST sites within the transfer portion of Parcel 24.</p>	<p>IRP-13E will be changed to purple in Figure 3.</p> <p>IRP-13W, IRP-13S, UST-268 and IRP-16 will be the same color.</p> <p>IRP-13W, IRP-13S, UST-268 and IRP-16 will be deleted from the new figure 3, which shows the buildings, AOCs and UST/AST sites in one figure.</p>

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	SPECIFIC COMMENTS	RESPONSE
22.	<p><u>Attachment 1, References</u></p> <p>Page 1 - Please delete "HLA. See Harding Lawson Associates."</p> <p>Page 2 - Please delete the 1995a reference for Navy Public Works Center and move the 1996 reference into its place.</p>	<p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p>
23.	<p><u>Attachment 3, Hazardous Substances Notification Table</u></p> <p>Please correct the alignment.</p>	<p>The alignment will be corrected</p>
24.	<p><u>Attachment 5, Comments/Response to Comments</u></p> <p>22 July 2002 Comments from: Ms. Jennifer Rich, Remedial Project Manager, DTSC - In this title, please also include "Mr. Bob Elliott, Staff Counsel, DTSC"</p> <p>The comments submitted by DTSC are not accurately reflected in this attachment. Numerous typographical errors were made and need to be corrected. The errors occur in the following comments: General Comment #'s 1, 2, 3, 7 and 8. Specific Comment #'s 2, 5, 6, 10, 12, 15 and 16.</p> <p>Response to General Comment # 3 - Please explain how the plumes have been more "completely defined" since FOSL #3. To our knowledge, there has been no recent work performed in conjunction with IRP-13W. Whether or not there should be an indoor air notification/restriction for Buildings 228 and 3005T, should be based on the most recent soil and groundwater data available (i.e., OU-4 Draft FFS). A more accurate explanation should be provided for why Buildings 228 and 3005T were restricted for indoor air in FOSL #3, yet are not restricted in this FOST.</p>	<p>Bob Elliott, Staff counsel, DTSC will be included.</p> <p>These comments have been corrected.</p> <p>The plumes have been more completely defined by doing hydropunch samples with a mobile lab in 1997. A certified lab did not validate these plumes since they were considered to be field samples. However, these areas will be under further investigation during and will be included in future versions of the OU-4 FS. Therefore, they will remain in this FOST.</p>

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	SPECIFIC COMMENTS	RESPONSE
24. (cont)	<p>With regard to Building 17 (slated for demolition), the Navy's response is that the portion of Building 17 in the CO area (western portion) will be restricted, but the portion of Building 17 in the transfer area (eastern portion) will not be restricted. Based on Figure 5, DTSC agrees that the portion of Building 17 in the CO area (western portion) should be restricted because it is within 100 feet of a VOC groundwater contamination plume. Since Building 17 was not originally restricted due to indoor air in FOSL #3, how will the Navy rectify this problem? DTSC does not, however, agree that the portion of Building 17 in the transfer area (eastern portion) should be <i>unrestricted</i>. It does not make sense to have half of a building restricted (lease portion) and the other half not restricted (transfer portion), especially when the restriction is dealing with indoor air. It would have made much more sense to keep the entire building in FOSL #3. Please explain.</p> <p>Response to General Comment #5 - Please see Response to General Comment #8 below.</p> <p>Response to General Comment #6 - The Navy states that changes will not be made because FOST #4 supercedes FOSL #3, however, this only applies to the portion of Parcel 24 considered in FOST #4 (see Section 1.0) and does not apply to Parcel 23. Please revise the initial response.</p>	<p>The data that was used for the Draft Final FOST 4 was obtained from the Quarterly Groundwater Monitoring of Summer 2000. An updated representation of the plume will be used from the Annual Groundwater Monitoring Report, 2001.</p> <p>Since the plume is not within 100 ft of building 17, it does not need to be restricted for indoor air quality. Therefore the entire building will not be restricted in both the transfer area and the lease area for indoor air quality.</p> <p>See response to General Comment #8 below.</p> <p>Because these responses have already been published and distributed, the previous response will stay the same. This response shall supercede the last with a response of "At the time the FOSL #3 was being finalized, the boundaries of the parcels were not surveyed. IRP-13E does include a slight portion of Parcel 23 that was not noticeable in the FOSL 3, Figure 6. The extension is noticeable in the detailed map (figure 5) in this FOST 4."</p>

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	SPECIFIC COMMENTS	RESPONSE
24. (cont)	<p>Response to General Comment #7 - Please see Response to General Comment #3 above.</p> <p>Response to General Comment #8 - DTSC is not satisfied with the Navy's response to our comment. Per our discussions on August 6th and 8th, DTSC will continue to withhold comment on Sections 1.0, 2.1, 5.0, 6.0, 7.0 and 9.0. The Navy has committed to provide DTSC with re-writes of these sections and DTSC will review and comment on these sections as they become available. DTSC will continue to work with the Navy to resolve any outstanding issues.</p> <p>Response to General Comment #10 - The term "former" is still not consistently used throughout the document when referring to AOCs. Please make the necessary corrections.</p> <p>Response to General Comment #12 - There are still two places where the term "structure" needs to be deleted (See Page 9, Section 8.3)</p>	<p>Building 17 is not restricted for indoor air quality issues. Please see response to general comment #3.</p> <p>These sections have been rewritten to exclude CO areas.</p> <p>The necessary corrections will be made throughout the document.</p> <p>The necessary corrections will be made.</p>
25.	<p><u>Attachment 6, Unresolved Comments</u></p> <p>Prior to finalization of FOST #4 DTSC and Navy need to discuss which comments will be included in this attachment.</p>	<p>A copy of the unresolved comments will be forwarded to you prior to finalization.</p>

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21 August 2002 Comments on Draft Final FOST from: Mr. Dana Ogdon, Program Manager, City of Tustin

	GENERAL COMMENTS	RESPONSE
1.	Page 8, Section 8.1 – The section states that transformers with PCB concentrations less than 50 ppm are classified as “non-PCB containing transformers” under federal regulations. PCB containing transformers that are still located within Parcel 24 are noted to contain less than 27 ppm, a level obviously below the federal standard. The section does not identify a State of California standard for PCB contamination. Prior to completion of the Finding of Suitability to Transfer (FOST) document, the Navy must conclude that the site is suitable for residential reuse under State of California standards for PCB contamination.	The PCBs located on the transfer portion of Parcel 24 are not considered to be waste since they are still be used for their intended purpose. State regulations only apply to PCBs if they are considered to be waste. Section 8.1, second to last paragraph in this FOST reads, “In 1996, a PCB transformer survey was conducted at MCAS Tustin (PWC 1996). Per federal regulations (40 Code of Federal Regulations 761.3), transformers with PCB concentrations less than 50 ppm are classified as non-PCB transformers. However, equipment containing less than 50 ppm PCBs may be subject to State hazardous waste laws at time of disposal.”
2.	Page 12, Section 8.3.2.2 – The section indicates that an Asbestos survey is planned to be conducted for building 247 in August 2002. Please provide a copy of the results of this survey to the City of Tustin for review and comment prior to the completion of this Finding of Suitability to Transfer (FOST) document and incorporate the findings into the document.	The results were faxed to you on 09/09/02.

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23 September 2002 Comments on Pre-Final FOST from: Mr. James Ricks, Remedial Project Manager, US EPA

	GENERAL COMMENTS	RESPONSE
1.	<p>The EPA has completed its review of the subject pre-final FOST. The Agency has determined that the Department of the Navy (DON) has adequately responded to EPA's previously identified concerns and issues. The Agency's review was based, in part, upon the DON's Response to Comments (RTCs) on the draft final version of the subject FOST and a BCT teleconference held on 20 September 2002. Previous Agency review comments substantively focused on two areas of concern: 1) the DON's intended approach for implementation of restrictions for Building 17 and; 2) the DON's approach for addressing the standard covenant language for provisions of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), Section 120 (h)(3).</p> <p>In response to a request from the EPA and the State of California Environmental Protection Agency (CAL EPA), Department of Toxic Substances Control (DTSC), the DON convened a teleconference to discuss the regulatory agencies' concerns relative to Building 17. As a result of the teleconference, the DON provided information to the regulators that provided assurances that the use restrictions for Building 17 would be implemented, monitored, reported and enforced during the critical period of post-transfer and pre-demolition occupancy. These assurances include development guidelines from the City of Tustin restricting their use due to the demolition of the structures.</p> <p>In addition, EPA's review of the DON's response to the Agency's comment relative to the standard covenant language for CERCLA 120 (h) (3) was substantively adequate for the purpose of the subject FOST. Although, EPA's review comments were not as extensive as those submitted by the DTSC, the Agency does note shared concerns as expressed during the aforementioned 19 September 2002 BCT teleconference. The Agency anticipates that the BCT will work cooperatively to resolve any and all residual issues.</p>	<p>Thank you for your response.</p>

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24 September 2002 Comments on Pre-Final FOST from: Ms. Jennifer Rich, Remedial Project Manager, DTSC

	GENERAL COMMENTS	RESPONSE
1.	DTSC would very much appreciate the Navy taking time to do a more thorough review of the document (proof reading and editorial review) prior to forwarding to the regulators for review. Not only have we reviewed a draft, draft-final and pre-final, but DTSC has also reviewed revised text sent out after the draft-final was submitted. While the process of finalizing this FOST and previous FOSTs and FOSLs has been frustrating, we appreciate the Navy's willingness to work with DTSC and the rest of the BCT to produce quality documents.	The Navy apologizes for any errors that may have been in this FOST. In the future, the Navy will take more time to do a through review before sending out to the regulators for review. However, to accomplish this, we must go back to using the previous procedure of allowing the BCT to review the RTCs as a stand-alone document, rather than the RTCs AND a hard copy of the FOST as a package. Supplying the hard copy of the FOST or FOSL along with the RTCs for each review was agreed upon by the BCT after receiving this request for easier review purposes. However, this is not standard procedure. The absence of assembling the hard copies for BCT review will allow the Navy more time to do a through proof-reading review. Also, the pre-final was given as a courtesy to the BCT for review. In future documents, any revised text will be avoided after the draft-final version has been reviewed.
2.	When the word "section" follows the word "CERCLA," it should not be capitalized. Please make the necessary changes throughout the document.	The requested change will be incorporated throughout the document.
3.	The hyphen symbol "-" should be used or not used with consistency throughout the text, figures, and tables (e.g., IRP-13 and UST-18). At this point that still is not the case.	The hyphen will be used consistency throughout the document and will be incorporated.

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24 September 2002 Comments on Draft Final FOST from: Ms. Jennifer Rich, Remedial Project Manager, DTSC

	SPECIFIC COMMENTS	RESPONSE
1.	<p><u>Page I, Table of Contents</u></p> <p>Section 7.0 - In order to be accurate and consistent with Section 7.0 in the body of the document, please delete "Within Parcel 24".</p> <p>Section 8.3.2.2 - In order to be accurate and consistent with Section 8.3.2.2 in the body of the document, please make "Buildings" singular.</p>	<p>This request has been incorporated into the document.</p> <p>This request has been incorporated into the document.</p>
2.	<p><u>Page 1, Section 1.0 Purpose</u></p> <p>Paragraph 2, Line 3 - Please insert a space after "Lease" and a space after "(CO)."</p> <p>Paragraph 4, Last Sentence - DTSC does not agree with the following statement due to potential releases of lead from lead-based paint (LBP): "All environmental factors on the portion of Parcel 24 of this FOST have been found suitable for residential use."</p>	<p>This request has been incorporated into the document.</p> <p>The Navy understands this and will put this as an unresolved Comment regarding LBP.</p>
3.	<p><u>Pages 2 and 3, Section 2.1 Parcel 24 (Portion)</u></p> <p>IRP Site -13E should briefly be discussed in this section along with the other AOCs, USTs and ASTs that have received regulatory concurrence for NFA. <i>(This comment was previously made in a fax sent to the Navy on 8-29-02).</i></p>	<p>The following sentence was added to the end of the third paragraph: "Some of the former AOCs mentioned make up the former IRP-13E site discussed in more detail in Section 6.0."</p>

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	SPECIFIC COMMENTS	RESPONSE
4.	<p><u>Page 5, Section 6.0 Environmental Findings</u></p> <p>Paragraph 3, Line 1 - Please change "parcel" to "Parcel."</p> <p>Paragraph 3, Line 4 - Please change "chemical" to "chemicals."</p> <p>Paragraph 3, Last Sentence - The reference cited for the ROD/RAP, "(BNI 2001)," is incorrect. (BNI 2001) is the reference for the Final Basewide Environmental Baseline Survey. Please cite the correct reference for the ROD/RAP and include the reference in Attachment 1.</p> <p>Paragraph 4, Line 1 - Is the term "former" used correctly in this sentence for AOCs and USTs? Not all of the AOC and UST sites located on the adjacent properties have received NFA.</p>	<p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p> <p>This information was taken from the EBS, however, the reference for the OU-2 ROD was incorporated into the document.</p> <p>The term former was deleted from the appropriate locations.</p>
5.	<p><u>Page 5, Section 7.0 Environmental Findings in Adjacent Properties</u></p> <p>Paragraph 1, Lines 4 and 5 - Please change to read, "are associated with IRP, AOC and UST sites. These sites are not included within the portion of Parcel 24 that is the subject of this FOST. These sites include".</p>	<p>The requested change has been incorporated into the document</p>

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	SPECIFIC COMMENTS	RESPONSE
6.	<p><u>Pages 6 and 7, Section 7.1 Environmental Findings in Adjacent Properties Within Parcel 24</u></p> <p>Paragraph 1, Bullet Item 1 - Please change to read, "IRP-13S." IRP was previously spelled out on page 4.</p> <p>Paragraph 2, Sentence 1 - Please change to read, "Summary information is provided below for the IRP and UST sites mentioned above."</p> <p>Paragraph 3, Line 2 - Please insert "the" between "on" and "northern."</p> <p>Paragraph 4 - Aren't the following AOCs associated with IRP-13W: MAE-04, TOW-X7, ST-15 and ST-14 A, B, C? If so, please briefly discuss them in this paragraph. <i>(This comment was previously made in a fax sent to the Navy on 8-29-02).</i></p> <p>Paragraph 4, Last Sentence - According to the Draft Final SMP the OU-4 focused FS report is scheduled for completion in 2004, not 2005. Rather than put in a completion date for the OU-4 focused FS, wouldn't it make more sense to simply put that the report is being prepared. Please correct. <i>(This comment was previously made in a fax sent to the Navy on 8-29-02).</i></p> <p>Paragraph 5, Sentence 2 - Please change to read, "IRP-16 originally consisted of three subsections: IRP-16A, IRP-16B and IRP-16C, which encompassed <i>(please fill in number)</i> acres." Then explain that IRP-16A and 16C were removed from the IRP under the CERCLA petroleum exclusion clause and addressed under the Santa Ana RWQCB Petroleum Corrective Action Program.</p>	<p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p> <p>Yes, MAE-04, TOW-X7, ST-15 and ST-14 A, B, and C are part of IRP-13W. The following sentence was included, "The IRP-13W site contains AOCs: MAE-04, ST-14A/B/C, ST-15, and TOW-X7. MAE-04, ST-14 (A-C), ST-15 and TOW-X7 were demolished and removed as part of the removal action." The detailed information can be found in FOSL 3 as stated in the second paragraph.</p> <p>The date of 2005 was obtained from the recent data obtained up to date. However, this date is not in the SMP, therefore the sentence now reads, "Remedial alternatives for contaminated groundwater are being evaluated in the OU-4 focused FS report (BNI 2000)."</p> <p>This sentence will not be added since we do not have the acreages in any documents since no surveys were done at time of operation.</p> <p>The sentence, "IRP-16A and IRP-16C were both taken out of the IRP program under the CERCLA Petroleum Exclusion Act since they contained petroleum-contaminated soil, therefore, it was determined that the Santa Ana RWQCB had oversight of IRP-16A/C under the Petroleum Corrective Action Program."</p>

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	SPECIFIC COMMENTS	RESPONSE
6. (cont.)	<p>Paragraph 5, Sentences 3, 4 and 5 - Please change to read, "IRP-16A consisted of 39 USTs (UST-22A through 22M) and received NFA concurrence in March 1997 (See letter in Attachment 2). IRP-16C consisted of AST-169 and AST-170; both received NFA concurrence in September 2000 (See letter in Attachment 2)."</p> <p>Paragraph 5, Sentence 7 - Please change to read, "IRP-16B is what is currently being referred to as IRP-16 in this FOST."</p> <p>Paragraph 5, Last Sentence - Please delete (previously stated at the beginning of Section 7.0).</p> <p>Paragraph 5 or 6 (whichever is appropriate) - Please explain that the northeast portion of IRP-16B (petroleum hydrocarbon only contamination) was removed from the IRP and transferred to the California Petroleum Release Program. An action was taken and subsequently the RWQCB issued a closure letter to the Navy. The closure letter should be included in Attachment 2. <i>(The latter part of this comment was previously made in a fax sent to the Navy on 8-28-02).</i></p> <p>Paragraph 6, Line 4 - FOSL 3, page 10 states that 85,000 tons were excavated and treated. Please explain the discrepancy. <i>(This comment was previously made in a fax sent to the Navy on 8-29-02).</i></p> <p>Paragraph 6 - In this paragraph, please distinguish between the northeast portion of IRP-16B and the rest of 16B when discussing the activities that have taken place.</p>	<p>Although the information requested is from the EBS. The number of USTs (39) appears to be a mistake. The sentence has been changed to read: "IRP-16A consisted of 13 USTs (UST-22A through 22M) and received NFA concurrence in March 1997 (See letter in Attachment 2). IRP-16C consisted of AST-169 and AST-170; both received NFA concurrence in September 2000 (See letter in Attachment 2)."</p> <p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p> <p>The following sentence has been included: "IRP-16B is a hydrocarbon and VOC contaminated site that is recommended for NFA. The hydrocarbon portion of IRP-16B received NFA in October 1997 by the RWQCB (See letter in Attachment 2)."</p> <p>The NFA letter for IRP-16B dated October 6, 1997 will be included into the Attachment 2.</p> <p>This information is not appropriate to incorporate into the FOST, and will not be included. The comments from the fax were not incorporated into a separate set of RTCs. However, the explanation follows:</p> <p>The 85,000 tons of soil that were excavated and treated were from the entire IRP-16 site (IRP-16A, B and C). Paragraph 6 is describing the portion of IRP-16 (IRP-16B) not included in this FOST. The approximate 6,000 tons of soil mentioned in this paragraph is only describing IRP-16B contained in the adjacent property and FOSL 3.</p> <p>This extent of detail will not be added into this FOST since it is within the carve-out area.</p>

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	SPECIFIC COMMENTS	RESPONSE
6. (cont.)	<p>Paragraph 6, Last Sentence - Please delete and replace with the following sentence, "IRP-16 is currently under evaluation as part of the ongoing focused FS for OU-4." <i>(This comment was previously made in a fax sent to the Navy on 8-29-02).</i></p> <p>Paragraphs 7 and 8 - Please change to read, "UST-268, which is approximately 2 acres, is located in the southern portion of Parcel 24 (Figure 4). UST-268 was a base fuel filling station primarily utilized for government vehicles. Prior to 1991, the site contained UST-18A and UST-18B. These were 1,000 gallon steel gasoline USTs that were installed in 1943. UST-18A and B were removed by the base before 1991. In 1984, the base replaced UST-18A/B with UST-268 and a new fuel delivery system. UST-268 was a 4,500-gallon fiberglass gasoline tank. UST-268 was removed in December 1998. Between 1998 and 2000 approximately 20,800 tons of contaminated soil was removed and treated onsite. Soil and groundwater evaluation at UST-268 is ongoing. A Draft Final Work Plan is currently under regulatory review." <i>(A portion of this comment was previously made in a fax sent to the Navy on 8-29-02).</i></p>	<p>The requested change has been incorporated into the document</p> <p>The requested change has been incorporated into the document</p>
7.	<p><u>Page 7, Section 7.2 Environmental Findings in Adjacent Properties Surrounding Parcel 24</u></p> <p>Please delete "(FOSL 3)" at the end of each bullet item. It is unnecessary because the first sentence following the bullet items explains that further information about the sites is provided in FOSL 3.</p> <p>Bullet Item 4 - It is our understanding that AOC Sites MAE-04, TOW-X7, ST-15, and ST-14A/B/C are part of IRP-13W (within Parcel 24). Please see FOSL 3, Figure 4. If the AOCs are in Parcel 24, then they should be discussed in Section 7.1. Please make the necessary changes.</p> <p>Please change "FOST 3" to "FOSL 3".</p>	<p>The requested change has been incorporated into the document.</p> <p>The following sentence was added to the fourth paragraph of section 7.1, "The IRP-13W site contains AOCs: MAE-04, ST-14A/B/C, ST-15, and TOW-X7. MAE-04, ST-14 (A-C), ST-15 and TOW-X7 were demolished and removed as part of the removal action."</p> <p>The requested change has been incorporated into the document.</p>

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	SPECIFIC COMMENTS	RESPONSE
8.	<p><u>Page 8, Section 8 Use Restrictions and Notifications</u></p> <p>Paragraph 2 - Please update with current information (regarding "DTSC's DATE letter").</p>	DATE has been deleted from the sentence.
9.	<p><u>Page 13, Section 8.4 Notifications and Restrictions - Lead-Based Paint</u></p> <p><i>Nonresidential Buildings</i>, Paragraph 2 - Per the conference call on September 20, 2002 between the DON, DTSC and USEPA, please delete the following sentence: "Buildings which are scheduled for demolition may be occupied on an interim basis if the transferee conducts the necessary LBP surveys and abatement in accordance with all local, state, and federal requirements (DoD 1999)."</p>	The requested change has been incorporated into the document.
10.	<p><u>Page 15, Section 8.6 Covenant - Additional Remedial Action</u></p> <p>This paragraph initially dealt with only one covenant. The covenant warranting that any additional remedial action found to be necessary after the date of transfer shall be conducted by the United States. The paragraph now discusses an additional covenant, which warrants that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of transfer. Please change the section heading to reflect the change in the paragraph, which now includes both covenants. Also, DTSC is unable to determine, without site-specific data, whether the Navy has met the covenant warranting that all remedial actions have been taken at the transfer portion of Parcel 24 with respect to potential releases of lead from LBP.</p>	The title of the section now reads, "Covenants-Remedial Actions"

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	SPECIFIC COMMENTS	RESPONSE
10. (Cont)	<p>Line 7 - The correct CERCLA citation is: section 120(h)(3)(A)(ii)(I). Please make the change.</p> <p>Please delete the second set of quotation marks in the paragraph. They are unnecessary.</p> <p>Line 9 - Please insert "CERCLA section 120(h)(3)(A)(ii)(II)" after "United States."</p>	<p>The requested change has been incorporated into the document.</p> <p>The requested change has been incorporated into the document.</p> <p>The requested change has been incorporated into the document.</p>
11.	<p><u>Page 15, Section 9.0 Finding of Suitability</u></p> <p>Line 3 - Please change to read, "portion of Parcel 24 that is the subject of this FOST, is suitable for transfer by deed for". <i>(This comment was previously made in a fax sent to the Navy on 8-29-02).</i></p> <p>Line 5 - Please change "The parcels" to "The parcel (portion)". <i>(This comment was previously made in a fax sent to the Navy on 8-29-02).</i></p> <p>DTSC does not concur with the Navy's finding of suitability due to potential releases of lead from LBP. <i>(This comment was previously made in a fax sent to the Navy on 8-29-02).</i></p>	<p>The sentence was changed from "portion of Parcel 24 considered in this FOST, is suitable for transfer by deed for" to "portion of Parcel 24 that is the subject of this FOST, is suitable for transfer by deed for".</p> <p>"The parcels" was changed to "The parcel (portion)"</p> <p>DON understands that the LBP comments will be an unresolved comment regarding LBP.</p>
12.	<p><u>Table 2, Former Areas of Concern Within Transfer Portion of Parcel 24 and Table 3, Former UST/AST Sites Within Transfer Portion of Parcel 24</u></p> <p>Note c - Why doesn't this match the reference in Attachment 1? Please make any necessary corrections. Also, are the references correct to Table 4 and Table 7, respectively?</p>	<p>The reference on Table 2 was changed to (DoD 1996).</p> <p>Yes, the references for Table 4 (DoD 1996 - BRAC Cleanup Plan Guidebook. July.) and for Table 7 (BNI 2001 - Final Basewide Environmental Baseline Survey, Marine Corps Air Facility Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. March. Table B3), and (BNI 1999 - Final Building Summary Report Marine Corps Air Facility Tustin, California. Prepared for Southwest Division Naval Facilities Engineering Command. May.) are correct.</p>

Response to Comments
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	SPECIFIC COMMENTS	RESPONSE
13.	<p><u>Figure 4, Installation Restoration Program Sites 13E (NFA), 13S, 13W, and 16 (and Adjacent Properties)</u></p> <p>Please insert "proposed" prior to "institutional controls".</p>	The requested change has been incorporated into the Figure.
14.	<p><u>Attachment 1, References</u></p> <p>There are several references listed in Attachment 1 that don't appear in the document (e.g., BNI 1996a, BNI 1997B, and DON 2001a). If these references are not listed in the document, please delete.</p>	The references have been corrected.
15.	<p><u>Attachment 3, Hazardous Substances Notification Table and Petroleum Products Notification Table</u></p> <p>To provide consistency throughout the document, please delete the Carve-Out Area column.</p>	The CO Area column has been deleted.

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	SPECIFIC COMMENTS	RESPONSE
16.	<p><u>Attachment 5, Comments/Response to Comments</u></p> <p><i>22 August 2002 Comments on Draft Final FOST from: Ms. Jennifer Rich, Remedial Project Manager, DTSC - In this title, please also include "Mr. Bob Elliott, Staff Counsel, DTSC".</i></p> <p>Response to General Comment #1 - The information was not attached to the end of the RTCs, rather it was handed out to the BCT at a meeting on 9-12-02. Please include this information in the Final FOST.</p> <p>Response to Specific Comment #2 - The requested changes for Paragraph 1, Line 5; Paragraph 3, Line 7; and Paragraph 3, Line 9 were not incorporated into the document as stated. Please make the corrections.</p> <p>Response to Specific Comment #3 - The Navy states that the requested change was incorporated into the document, however, the change was not made because more recent data was inserted.</p> <p>Response to Specific Comment #6 - The requested change for Paragraph 3, Line 6 was not incorporated into the document as stated. Please make the correction.</p> <p>Response to Specific Comment #7 - The requested change for Line 4 was not incorporated into the document, rather, the text was deleted. The requested change to have the resurvey information for Building 247 included in text and table was only included in the text. Please include the information in Table 7.</p> <p>Response to Specific Comment #12 - The Navy did not respond to the requested changes regarding Building 3005T and Notes d, e, and f. Please respond to DTSC's comments and make the appropriate changes to the text.</p>	<p>Mr. Bob Elliott was added to the title of the August 2002 Comments.</p> <p>This information will be included in the Final FOST.</p> <p>The text was changed from "transformers contained less than 50 ppm of PCB and were therefore left in place." to "transformers contained less than 50 ppm of PCBs and were therefore left in place."</p> <p>The sentence now reads, "The survey results are presented in reports dated December 1988, December 1991 and August 2002" since the ACM survey was completed after the comment was made.</p> <p>The text was changed from "to conduct an asbestos survey. These" to "conduct asbestos surveys. These"</p> <p>Because the building 247 was completed for an ACM survey in Aug 2002, after the previous comments, the paragraph now reads, "Building 247 - No FAD ACM was found in this building. A survey was originally performed in 1991. Because the survey was performed prior to 1996, DON resurveyed Building 247 in August 2002. No FAD ACM was found in this building during the 2002 survey and therefore will not be restricted from occupancy." Table 7 has been updated to show the 2002 survey.</p> <p>The notes are changed to "d Ultimate Parcel Use - Reuse Plan, Figure 2 (City of Tustin 1998) e Year Built for Building 3005T - Reuse Plan, Appendix C (City of Tustin 1998) f Prior Use, Year Built, Total Area - Final Building Summary, MCAF Tustin, CA (BNI 1999)"</p>

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	SPECIFIC COMMENTS	RESPONSE
16. (cont.)	<p>Response to Specific Comment #20 - Figure 4 does still not accurately reflect some of the groundwater plumes, however, an updated Figure 4 was given out at the 9-12-02 BCT meeting. Please be sure to include the new figure in the Final FOST.</p> <p>Response to Specific Comment #23 - The requested change was not made in the document as stated. However, to provide consistency throughout the document, please delete the Carve-Out Area column, which will in turn take care of the alignment problem (See Specific Comment #16 above).</p> <p>Response to Specific Comment #24 - The requested change regarding Mr. Bob Elliott was not made in the document as stated. Please make the correction. The requested changes regarding comments submitted by DTSC were not corrected as stated for General Comment #'s 1, 2, 3, and 8 and Specific Comment #'s 2, 5, 6, 10, and 12. Please make the corrections. Although DTSC agrees that Buildings 228 and 3005T do not require restrictions for indoor air, the Navy's response does not accurately address DTSC's comment.</p>	<p>This figure will be included into the Final FOST.</p> <p>The Carve-Out Area column was deleted.</p> <p>GC#1 has been changed from, "On numerous pages with FOST #4 the footers were incorrect. Please make the necessary corrections." to "On numerous pages within FOST #4 the footers are incorrect. Please make the necessary corrections."</p> <p>GC#2 "If the notification is not applicable to the transfer portion of Parcel 24, then at a minimum, an explanation should be given as to why the notification is not application to this FOST." to "If the notifications are not applicable to the transfer portion of Parcel 24, then at a minimum, an explanation should be given as to why the notification is not applicable to this FOST."</p> <p>GC#3 ".... If this is the case, why weren't the indoor air quality restrictions (as outlined in FOSL #3) applied to building 17 as well?" to ". If this is the case, why weren't the indoor air quality restrictions (as outlined in FOSL #3) applied to Building 17 as well?"</p> <p>GC#8 "This will require a withhold any further comment on Sections 1.0. 2.1, 5.0, 6.0, 7.0 and 9.0 until the draft final is issued for our review." to "This will require a substantial re-write of various sections of this document. Therefore, DTSC will withhold any further comment on Sections 1.0. 2.1, 5.0, 6.0, 7.0 and 9.0 until the draft final is issued for our review."</p>

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	SPECIFIC COMMENTS	RESPONSE
16. (cont.)		<p>SC #2 - "The alignment needs adjusting." to "The alignment needs adjusting. Please correct."</p> <p>SC #5 - "..., DTSC would like a notification in the deed to inform future landowners of the cleanup criteria used at these sites." to ", DTSC would like a notification in the deed to inform future land owners of the cleanup criteria used at these sites."</p> <p>SC #6 - No corrections are needed.</p> <p>SC #10 - "...Sentences 1 through 4 -..." to "Sentences 2 through 4 -"</p> <p>SC #12 - No corrections needed.</p> <p>Buildings 228 and 3005T are not within 100ft of either plume from IRP-13W, therefore an indoor air restriction is not needed.</p>
17.	<p><u>Additional information of unexploded ordnance, pesticides and prime/unique farmland NOT on transfer portion of Parcel 24.</u> (Provided at the 9-12-02 BCT meeting)</p> <p>Unexploded ordnance figure - this figure is missing important information (see right side of figure). It appears that the legend and some other information were lost in the copying process. Please provide the figure in its entirety.</p>	<p>Two figures will be included in the attachments. One showing the entire figure, and one that was originally given to the BCT to show the details.</p>

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Marine Corps Air Station Tustin, California**

	SPECIFIC COMMENTS	RESPONSE
18.	<p><u>Attachment 6, Unresolved Comments</u></p> <p>Although Attachment 6 was absent from the Pre-Final FOST, Melanie Kito sent an email on September 10, 2002 which included draft unresolved comments. DTSC's comments on that draft are as follows:</p> <ul style="list-style-type: none"> • #1 should be deleted. • #2, Paragraph 2, Line 5 - Please change "RWQCB use water" to "RWQCB uses water". • #2, Paragraph 3, Line 3 - Please change "not protective to human health" to "not protective of human health". • #3 is fine as is. • Please include General Comment #14 from DTSC's July 22, 2002 letter. • Some additional unresolved comments may come out of this comment letter dated September 24, 2002 (e.g., the second part of Specific Comment #2, the first part of Specific Comment #10, and the third part of Specific Comment #11). DTSC and the Navy will need to have a discussion once the Navy has completed their responses to DTSC's latest comments. 	<ul style="list-style-type: none"> - #1 has been deleted. - "RWQCB use water" has been changed to "RWQCB uses water". - "not protective to human health" has been changed to "not protective of human health". - GC #14 from DTSC's July 22, 2002 letter will be included in the unresolved comments.

Additional information of unexploded ordnance, pesticides and prime/unique farmland NOT on transfer portion of Parcel 24.

Unexploded Ordnance

Plate No. 3 from the Ordnance Work Plan shows the areas where former skeet and pistol ranges were located. Skeet Range 2 was closest to the transfer portion of Parcel 24, but not within the area for this FOST. The transfer portion of Parcel 24 is outlined to the left of Skeet Range 2. No notifications of unexploded ordnance is needed for this FOST.

1998. Draft Archives Search Report, Range Identification/Preliminary Range Assessment. MCAS Tustin. February

Pesticides

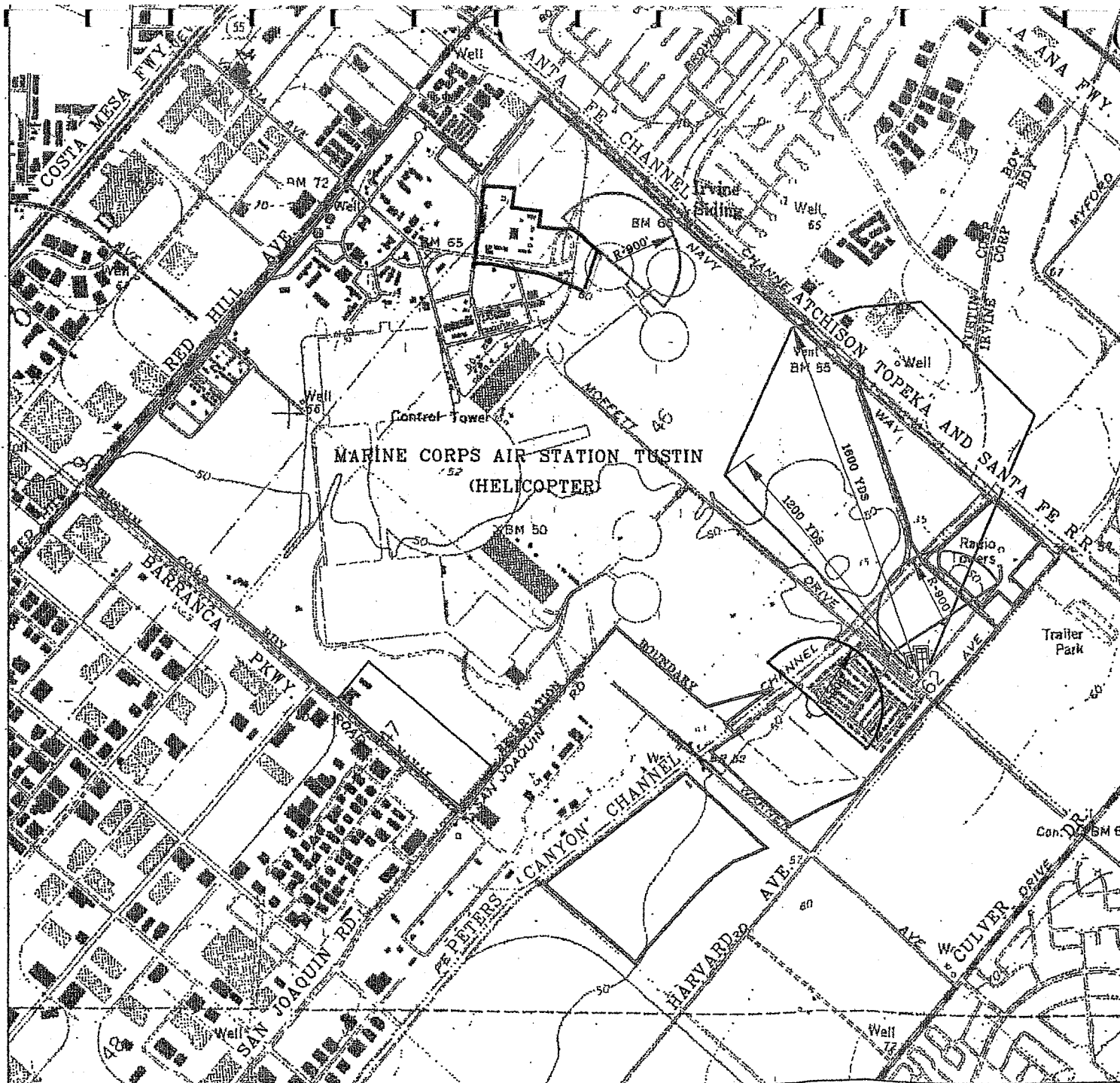
Figure A1-1 from the Pesticides Work Plan shows the areas where pesticides were used on the agricultural areas on the former MCAS Tustin. The figure clearly shows that the transfer portion of Parcel 24 is not in the designated Agricultural area where pesticides were used. The transfer portion of Parcel 24 is outlined to the left of the Agricultural area. No notifications of pesticides is needed for this FOST.

1996. Draft Final Pesticides (and Associated Metals) Investigation Report, Marine Corps Air Station Tustin, CA. Prepared for Southwest Division Naval Facilities Engineering Command. July

Prime/Unique Farmland

Figure 3.8 from the MCAS Tustin EIR/EIR shows the area considered to be Prime Farmland. The definition of Prime Farmland is land with the best combination of physical and chemical features for the production of agricultural crops. The figure shows that the transfer portion of Parcel 24 is not in the designated Prime Farmland area. The transfer portion of Parcel 24 is outlined to the left of the Prime Farmland area. No notification of Prime Farmland is needed for this FOST.

1999. Natural Resource Conservation Services, California Department of Conservation Farmland Mapping and Monitoring Program.

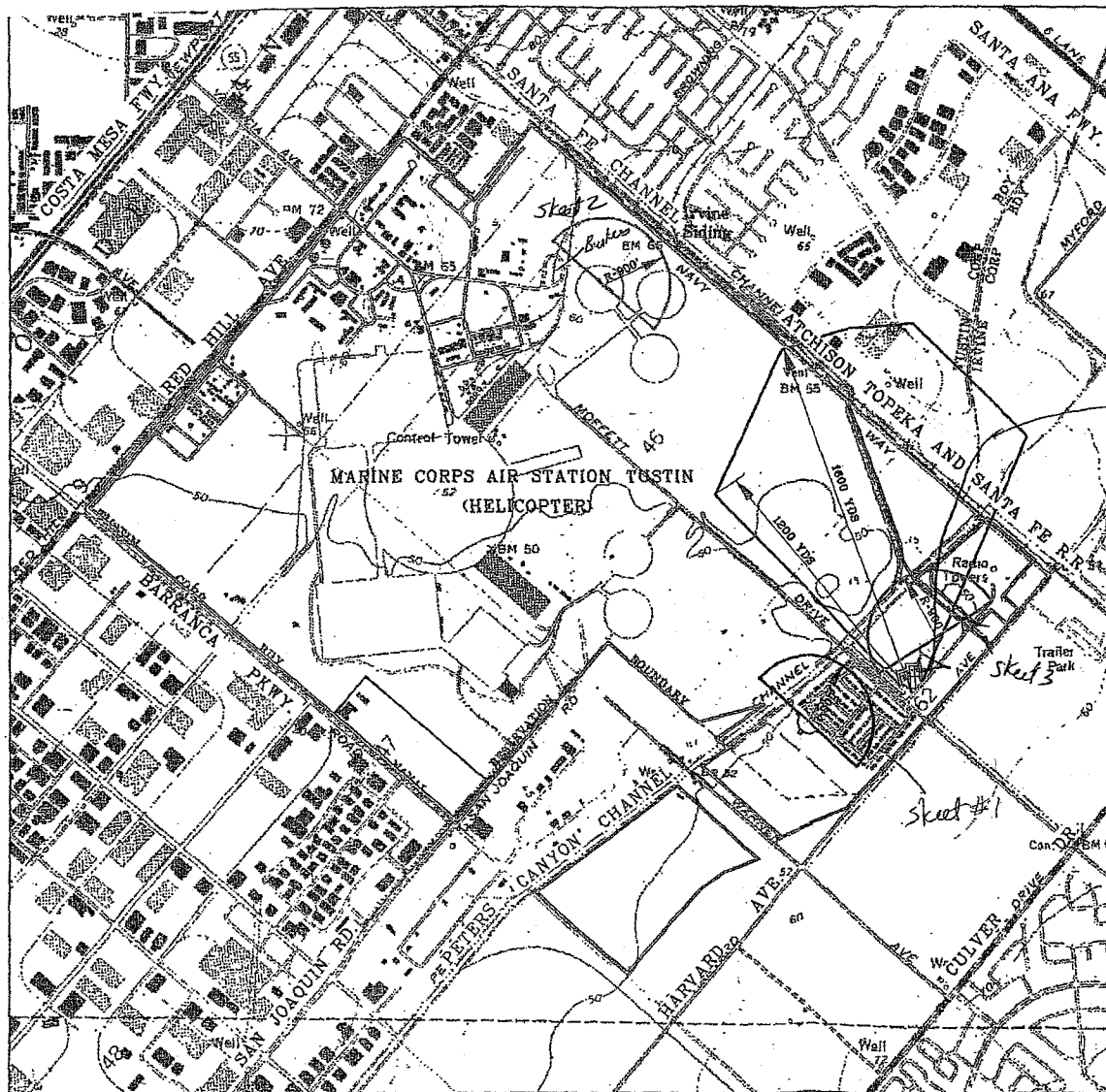


LOCATI

ACREAI

LEGEND





LOCATION OF MCAS: 33°42'22" N
117°49'35" W

ACREAGE OF MCAS: 1571 ACRES (CURRENT)
1594 ACRES (ORIGINAL)

LEGEND

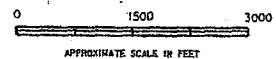
- FACILITY BOUNDARY LIMITS
- U.S. ARMED SERVICES RESERVE CENTER
- PISTOL / RIFLE FIRING RANGE - SEE PLATE 4
- SKEET RANGE 1 - SEE PLATE 5
- SKEET RANGE 2 / LANDING PAD 1 - SEE PLATE 6
- SKEET RANGE 3 - SEE PLATE 7

•NOTE: YELLOW SHAPES REPRESENT
CURRENT HOUSING AREAS

Skeet 1 - Parcel 35
Skeet 2 - Parcel 23
Skeet 3 - Parcel 34

Pistol Range -
Parcel 34

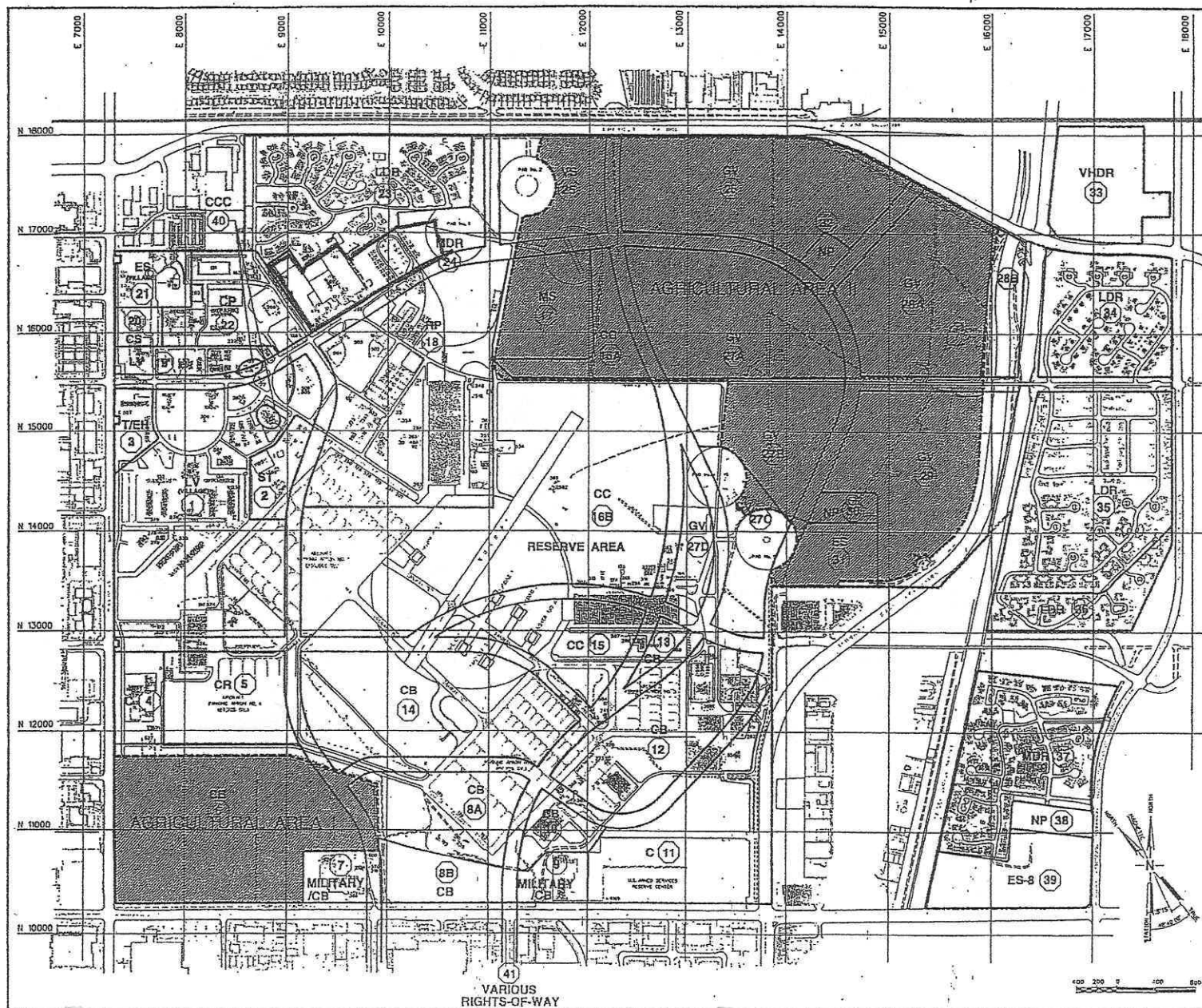
Influence into Parcel 28 - 280 acres



U.S. ARMY CORPS OF ENGINEERS
ST. LOUIS DISTRICT

MARINE CORPS AIR STATION
(MCAS) TUSTIN
TUSTIN, CALIFORNIA
ORANGE COUNTY
SITE COMPILATION MAP

PROJ. DATE: MAR 1958	DATE OF QUAD: 1958 (REV.)	PLATE NO. 3
15-FEB-1958 CHS	15-FEB-1958 CHS	



LEGEND:

- GOVERNMENT PROPERTY LINE
- ===== EXISTING ROAD OR PAVED AREA
- ===== DRAINAGE DITCH
- KNOWN BURIED DRAINAGE LINE
- EXISTING BUILDING OR STRUCTURE
- +++++ RAILROAD
- ▨ AGRICULTURAL AREA APPROXIMATE BOUNDARY

SOURCE:

BASE MAP PROVIDED BY U.S. MARINE CORPS
AIR STATION TUSTIN, CALIFORNIA, FACILITY
MANAGEMENT DEPARTMENT STATION MAP
DATED 7-24-91, DRAWING No. 027.
(CERFA EBS DEC. 30, 1993)

Pesticides Work Plan
Figure A1-1
Agricultural Areas at MCAS Tustin

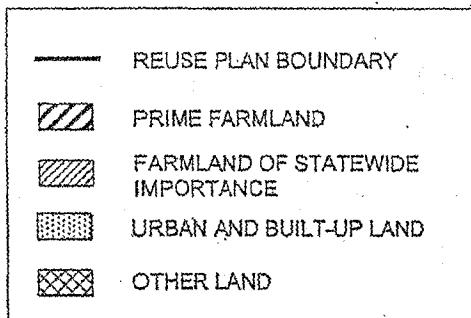
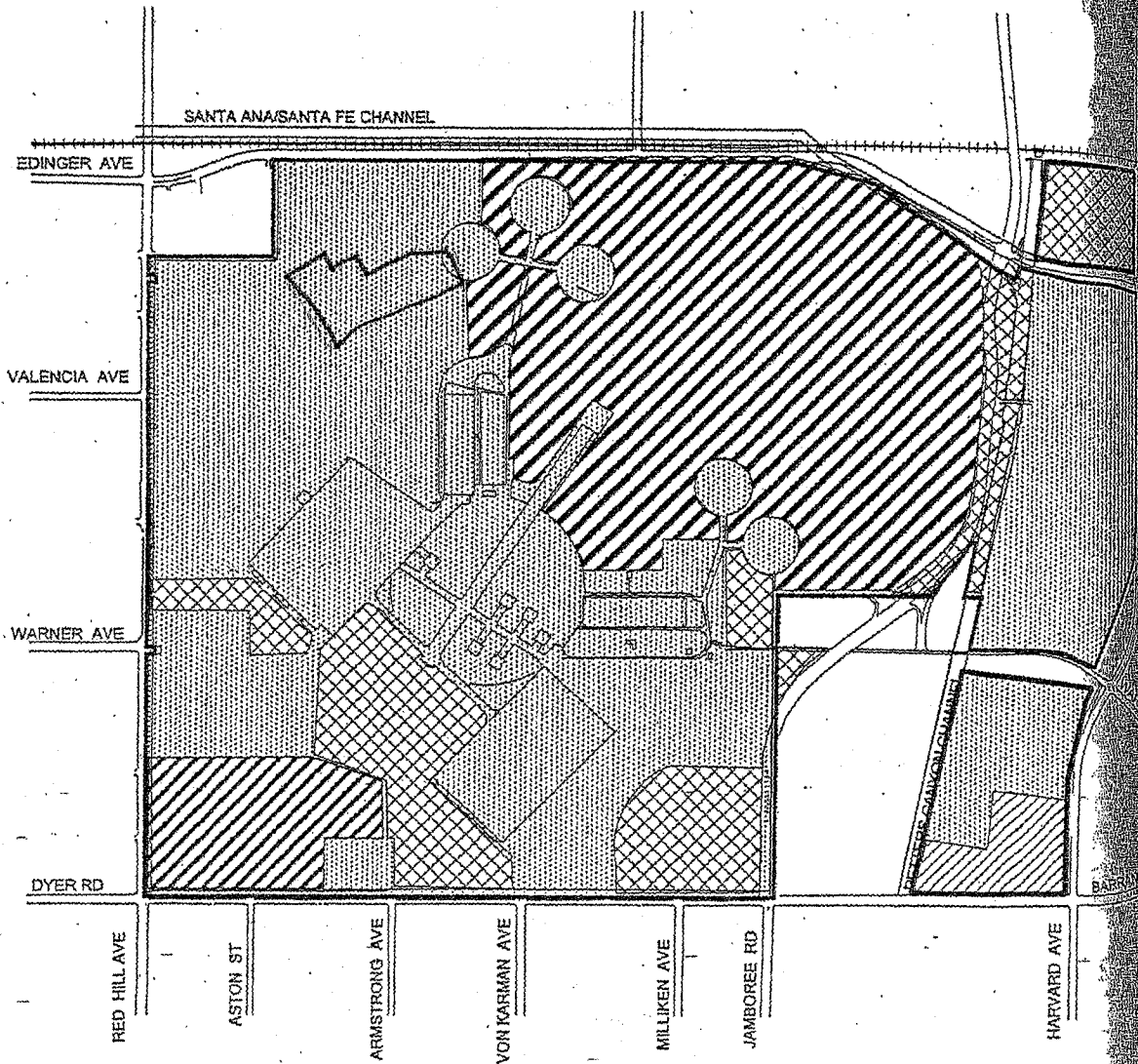
Marine Corps Air Station Tustin, California



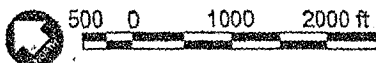
Bechtel National, Inc.
CLEAN II Program

Date: 25/Sep/95
File No.
Job No. 22214-085

3.8 Agricultural Resources



Source: Natural Resource Conservation Services 1999; California Department of Conservation Farmland Mapping and Monitoring Program 1990
Base map: HNTB 1999



ATTACHMENT 6

Unresolved Comments

Unresolved Comments

Finding of Suitability to Transfer Marine Corps Air Station Tustin, California

	California Department of Toxic Substances Control (DTSC)	United States Department of the Navy (DON)
1.	<p>Because the RWQCB uses other than risk-based cleanup standards to make its NFA determinations for UST/AST sites, DTSC would like a notification in the deed to inform future landowners of the cleanup criteria used at these sites. Please incorporate a new subsection in Section 8.0 titled "Notification - Underground and Aboveground Storage Tanks."</p> <p>Please include the following statements, "Underground storage tanks (USTs) and Aboveground Storage Tanks (ASTs) have been removed from the transfer portion of Parcel 24. These USTs and ASTs were removed according to standards promulgated by the Regional Water Quality Control Board, Santa Ana (RWQCB). The RWQCB uses water protection standards as its guidelines, in order to protect the quality of surface and subsurface water. These standards do not include a risk-based approach to cleanup and therefore on a case by case basis may not be as protective of human health and the environment as a risk-based approach to cleanup may be."</p> <p>"As a result of the standards utilized in the cleanup at these UST/AST sites, hazardous substances contained in petroleum products may have been left at the sites at levels that are not protective of human health."</p>	<p>The RWQCB does not require risk-based standards for UST and AST site closures. All site investigations and remedial actions have been completed for the sites that the RWQCB has concurred with the recommendations for closure per the California Code of Regulations. Therefore, no additional discussion is necessary.</p> <p>The Navy understands this is an "Unresolved Comment" and it will be attached to this FOST per the BRIM guidelines.</p>

Unresolved Comments
Finding of Suitability to Transfer
Marine Corps Air Station Tustin, California

	California Department of Toxic Substances Control (DTSC)	United States Department of the Navy (DON)
2.	<p>Based on the age (pre-1978) of buildings identified in Section 8.4.1 (Note: There is one additional pre-1978 building [17] that should be identified in Section 8.4.1), the DON maintains that LBP may be present on the exterior painted surfaces and may be present in the surrounding environment. (Note: There is one building [3005T] where the date of construction is unknown and the possibility exists that LBP may be present on the exterior painted surfaces and may be present in the surrounding environment.) However, Section 8.4 seems to assert that DON does not intend to evaluate or abate LBP associated with these buildings, now or in the future. The DON maintains that Buildings [17], 41, 53, 66, 89 and [3005T] are non-residential buildings and as such, DON is not responsible for evaluation or abatement of lead in soils surrounding these facilities.</p> <p>The United States Environmental Protection Agency (EPA) and DTSC consider the presence of exterior LBP that has been released to the soil, to pose a potential Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) release to the environment. DON is required to evaluate and address all releases of CERCLA hazardous substances at its facilities, and where property has been transferred under CERCLA 120(h)(3) the DON must covenant that it will perform any remedial action found to be necessary after the date of transfer. In addition, the "DoD Policy on Responsibility for Additional Environmental Cleanup after Transfer of Real Property" (DoD comeback policy) asserts that DoD will typically utilize the Local Redevelopment Authority's reuse plan as the basis for the land use assumptions that DoD will consider during a remedy selection process. Because of the age of the buildings, a potential release to the environment of lead associated with exterior lead-based paint exists, DON should conduct soil sampling to determine whether soils surrounding the above buildings contain lead from LBP at levels which may pose a threat to human health and the environment.</p>	<p>DON recognizes that U.S. EPA and DTSC consider the presence of exterior LBP that has been released to the soil to pose a potential CERCLA release to the environment. However, the U.S. EPA and DoD previously "agreed to disagree" on the question of natural weathering being a release of a CERCLA hazardous substance during negotiations for the joint U.S. EPA/DoD Field Guide. DoD deliberately avoided expressly endorsing or agreeing with the U.S. EPA's position in the Field Guide. The Field Guide also states that, "although EPA concluded that the release of lead to soil from lead-based paint from structures falls within the CERCLA definition of a hazardous substances release, EPA and DoD agree that for the majority of situations involving target housing (and child-occupied facilities), Title X is sufficiently protective to address hazards posed by lead-based paint.</p> <p>The CERCLA liability to evaluate and abate any LBP release/hazards does not apply to DON since DON does not consider the release of LBP by weathering a CERCLA release. The CERCLA warranty for LBP cleanup costs after transfer is not applicable based in the DON's position for releases of LBP through weathering. Any evaluation and abatement of soil-lead hazards at MCAS Tustin for nonresidential buildings and structures will be the responsibility of the future transferee unless DoD policy or generally applicable standards for nonresidential buildings/structures are promulgated after transfer.</p> <p>The Navy understands this is an "Unresolved Comment" and it will be attached to this FOST per the BRIM guidelines.</p> <p>Building 3005T was built in 1990 and does not have an issue with LBP</p>

Unresolved Comments

Finding of Suitability to Transfer Marine Corps Air Station Tustin, California

	California Department of Toxic Substances Control (DTSC)	United States Department of the Navy (DON)
2. (cont.)	DTSC understands that the DON looks to Title X, the Residential Lead-Based Paint Hazard Reduction Act and the joint DoD/U.S. EPA interim final "Lead-Based Paint Guidelines for Disposal of Department of Defense Residential Real Property - A Field Guide" (December 1999) to address the hazards posed by LBP. DTSC however, has not adopted the joint DoD/U.S. EPA guidelines and its criteria for evaluating LBP hazards. DTSC maintains that lead from LBP is a CERCLA release. Therefore, without site-specific data, DTSC is unable to determine whether, pursuant to CERCLA 120(h)(3), all remedial actions have been taken at the transfer portion of Parcel 24 with respect to potential releases of lead from LBP. In addition, DTSC cannot concur categorically that the DON has no future CERCLA liability to evaluate or remediate LBP releases into the soil should such contamination be found.	
3.	The FOST states that there are (14) Area Type 2 underground storage tanks (USTs) and (2) Area Type 2 aboveground storage tanks (ASTs) which received no further action (NFA) concurrence from the Regional Water Quality Control Board (RWQCB), located on the transfer portion of Parcel 24. Because the RWQCB uses other than risk based clean up standards to make its NFA determinations for UST/AST sites, Section 2.1 should be supplemented with a discussion on past response actions and cleanup standards used for each of the UST/AST sites.	<p>The RWQCB does not require risk-based standards for UST and AST site closures. All site investigations and remedial actions have been completed for the sites that the RWQCB has concurred with the recommendations for closure per the California Code of Regulations. Therefore, no additional discussion is necessary.</p> <p>The Navy understands this is an "Unresolved Comment" and it will be attached to this FOST per the BRIM guidelines.</p>